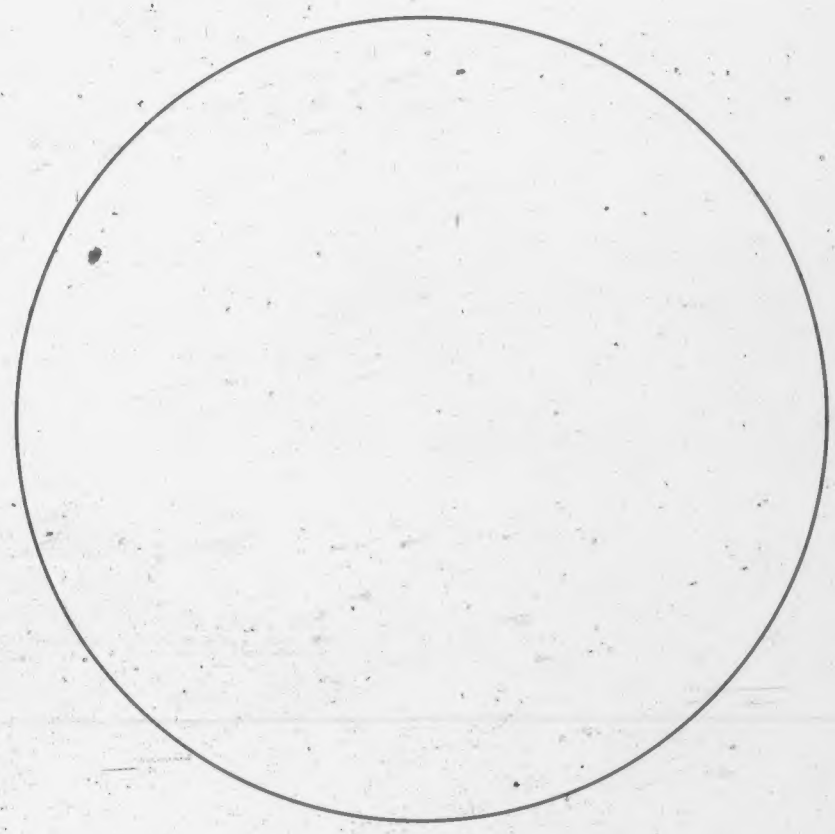
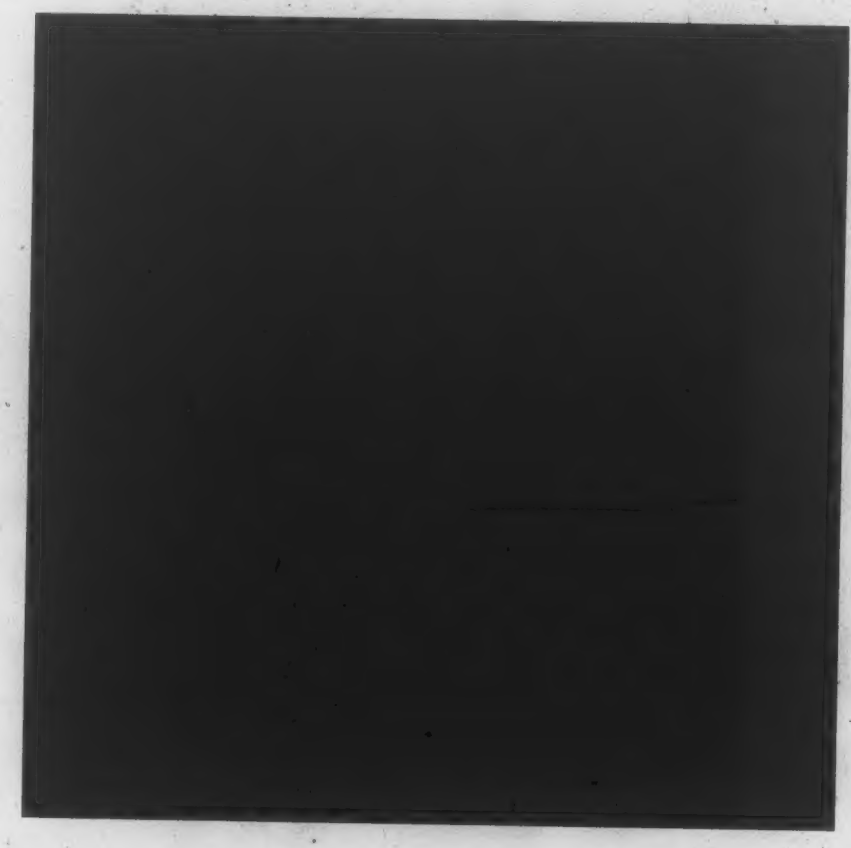


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

Roll 36

Choctaw by Blood 5686-5755

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choctaw 5686

Idah Bailey

5686

Transferred from Choc #D5
8-15-03

Union Agency,

Muskogee, Ind. Ter.,

October 12, 1889.

Nancy Jane Stewart,
vs
The Choctaw Nation.

Opinion of Leo E. Bennett, U. S. Indian Agent, on Appeal taken from Decision of the Choctaw National Council.

----------oOo----------

In her application to the Choctaw National Council in 1887, the petitioner, Nancy Jane Stewart, asks that citizenship in the Choctaw Nation be granted unto the petitioner, her husband, John Stewart, age 61 years, her son John B. Stewart, age 25 years, her daughter Sallie Stewart, age 13 years, her daughter, Esther E. Francis, age 28 years, and her husband, B. F. Francis, age 38 years, and her grand-son James J. Goodson, age 13 years, son of her daughter Esther E. Francis by a former husband, and her grand-daughter Ellen V. Brinkley, age 6 years, daughter Esther E. Francis by a former husband, her grand-son Robert B. Brinkley, age 6 years, a son of Esther E. Francis by a former husband, and her grand-son Henry D. Francis, age 2 years by her present husband, and her daughter Ida Bailey, age 22 years, now residing in Pickens County, Chickasaw Nation, and her husband J. J. Bailey, age 27 years, and their child, her grand-son, Tobe J. Bailey, age 3 years, because she the petitioner, Nancy Jane Stewart, is the daughter of Jane Henry who was a daughter of Sarah Johnson and Jordon Johnson, and Sarah Johnson was the daughter of Captain David Burney and Sally Burney whose maiden name was Sally Frazier who was a lineal descendant of the Choctaw tribe of Indians by blood and she, the petitioner herself and her direct line of heirs above

named are all of Choctaw descent by blood and therefore entitled to all the rights, privileges and immunities of Choctaw citizenship.

The evidence in support of said petitioner's claim was by affidavit of Stephen Netherland, who stated that he was 68 years of age, a resident of Union Parish, La., was well acquainted with Nancy Jane Stewart, whose maiden name was Nancy Jane Henry, whose mother's name was Jane Johnson, and Jane Johnson was the daughter of Sarah Johnson and Sarah Johnson was the daughter of Capt. -- David Burney and Sally Burney, and that Sally Burney was of Indian blood of the Choctaw tribe and that Simon Burney and Sarah Johnson were brother and sister, and that the said Nancy Jane Stewart, is nown a resident of Blue County, Choctaw Nation, Ind. Ter., that when he knew the parties he was a resident of Lawrence Co., Miss., that he has known the said Nancy Jane Stewart since she was four years old; that she was born in Lawrence Co., Mississippi; that he has been to the house of Jane Johnson and Sarah Johnson, and has often seen Capt. David Burney and his wife Sally Burney in Lawrence Co., Mississippi; that Jane Johnson and Sarah Johnson died in 1844; that Jordon Johnson the husband of Sarah Johnson died in 1846, and that Capt. David Burney died in the year 1847 at the advanced age of 93 years; that Jane Johnson w was the mother of Nancy Jane Stewart and that Sarah Johnson was the grand-mother and Sally or Sarah Burney was the great-grandmother of said Nancy Jane Stewart; that he was well acquainted with Simon Burney, the brother of Sarah Johnson and that they were the son and daughter of Capt. David Burney and Sally or Sarah Burney, and that Sarah Burney was a Choctaw Indian and was so reputed by all the citizens and neighbors in said Lawrence Co. Mississippi.

#3:

The affidavit of said Nancy Jane Stewart the petitioner was that her mother's name was Jane Henry, the daughter of Jane Johnson who was the daughter of Sally Burney and Capt. D. Burney. She could not tell whether said Burney was a white man or not, that he lived in Mississippi in Lawrence Co.;that she, the said Nancy Jane Stewart was born in 1837, in Lawrence Co. Mississippi; that she left there in 1856; that there were Choctaws in that county and are yet, she has a half-sister there now, that she was acquainted with the Choctaws and played with them in that neighborhood in her childhood, but has had no acquaintance with them since 1856; that Sally Burney is said to have been a full blood Choctaw; that she had slight recollection ofthe matter herself; did not know as her mother was half Choctaw, nor if she spoke Choctaw, but her grand-mother spoke Choctaw, she herself cannot speak Choctaw, during her residence in Mississippi had always been treated as a Choctaw, but could not name her Choctaw relatives, did not know whether she was recognized as a Choctaw in Blue Co. Choctaw Nation, where she has resided since last September (1886), before that she livedin Pickens County.

Affidavit of Tennessee a colored woman, age 90 years, born in the state of Mississippi, Old Nation, now a resident of Blue Co., Choctaw Nation; that she was well acquainted with David Burney and Sally Burney his wife and hat Sally Burney was of Indian blood of the Choctaw tribe; that Simon Burney and Sarah Johnson were brother and sister; Sarah Burney married Jordon Johnson and Simon Burney married Peggy Allen.

Samuel Netherland a resident of Catahoula Parish, Louisiana, states that he is 64 years of age, that he is well acquainted

#4:

with Nancy Jane Stewart, a resident ofBlue Co., Choctaw Nation, that said Nancy Jane Stewart was born in Lawrence Co., Mississippi, that her maiden name was Nancy Jane Henry, whose mother's name was Jane Johnson who was the daughter of Captain David Burney and Sally Burney, that Sally Burney was of Indian blood of the Choctaw tribe, and that Simon Burney and Sarah Burney were brother and sister. That he had known all of the above named parties well when he was a resident ofLawrence Co., Mississippi, that he had known the petitioner said Nancy Jane Stewart since she was four years old, that he has been to the home of Jane Johnson and Sarah Johnson often and has often seen Capt. David Burney and his wife Sally Burney in Lawrence Co., Mississippi, that Jane Johnson and Sarah Johnson died in the year 1844, and that Jordon Johnson the husband of Sarah Johnson died in 1846, and Capt. David Burney died in the year 1847 at the advanced age of 93 years and that Jane Johnson was the mother of Nancy Jane Stewart, he (Samuel Netherland) was also well acquainted with Simon Burney the brother of Sarah Johnson, that they were the son and daughter of Capt. David Burney and Sally or Sarah Burney and that Sarah Burney was a Choctaw Indian and was so reported and considered by all the citizens and neighbors in said Lawrence County.

Relative to the foregoing statement of Samuel Netherland is an affidavit of George Franklin King, a resident of Catahoula Parish, Louisiana, that he has known the said Samuel Netherland 35 years, that he is well acquainted with him and that his reputation for truth and veracity is good.

By resolution approved November 4th, 1887, the Choctaw Council rejected the claim of the petitioner and the review is upon her appeal from their decision.

In the presentation of the case to this office upon appeal the evidence as to the Choctaw blood of Nancy Jane Stewart is so plain that it would seem that her right to citizenship in the Choctaw Nation is indisputable; and had the case been presented to the Choctaw Council as it has been to this Office the action of the Council would, without doubt, have been favorable to the petitioner.

In addition to the affidavits of Stephen Netherland and Samuel Netherland, which are substantially the same as submitted to the Choctaw Council, is the testimony ofJames J. Massey 60 years of age, resident of Catahoula Parish, La., that he had personally known the claimant and her mother and father whose names were O. D. Henry and Jane Johnson, whose homes were in Lawrence Co., Mississippi; that he had known Sally Frazier; that Sally Frazier was a full blood Choctaw Indian, that he knew this from his own personal knowledge, having been well acquainted with her; that he knew Sarah Burney and that she married Jordon Johnson, that the names of her children by said Johnson were Jane, Mary, Jordon, Denson, Frank, Albert and Tom; that he knew Jane Johnson; that the names of her children were Margaret, Rowan, and Nancy Jane. He knewthat the claimant was always regarded as having Indian blood in her veins, he had known her from infancy and her mother also and know that they were reputed to be Indians.

In reply to the question by Attorney for the Choctaw Nation as to the " quanity and kind of Indian blood in Sally Frazier" he said, " Sally Frazier was a full blood Choctaw Indian", also the testimony of Ellen Louisa Bedard 48 years of age, resident ofCatahoula Parish, La., that Nancy Jane Stewart was personally known to her, the father and mother were known to her by

hearsay, their names were Otho D. Henry and Jane Johnson, knew them by reputation in Lawrence Co., Mississippi. She knew by reputation one Sally Frazier who afterwards married David Burney in Lawrence Co., Miss., and it was generally understood in the neighborhood that Sally Frazier was a full blood Choctaw Indian. She knew it from rumor and those from whom she obtained the information knew it from seeing her and being well acquainted with her. She knew Sarah Burney who was the daughter of David Burney and Sally Frazier by reputation: she knew in the same way that she married Jordon Johnson, the namesof theiw children were, Jane, Mary, Jordon, Denson, Frank, Albert and Thomas. She knew by reputation Jane Johnson who first married one Brown, and after his death married Otho D. Henry in the state of Mississippi and the namesof their children were Margaret, Rowan, and Nancy Jane, and that the claimant was always recognized and known as having Indian blood in her veins. In reply to the request of the Attorney for the Choctaw Nation "to state, if she knew, the quantity and of Indian blood in Sally Frazier and what kind" said "I always understood from those who were well acquainted with her that she was a full blooded Choctaw".

While the evidence in this case is apparently ex parte the affidavits were all taken under notice to the Attorney for the Choctaw Nation, Mr. Alinton Telle, who submits the case in a letter dated March 26th. 1889 upon the evidence as above reviewed. In this communication Mr. Telle admits that the evidence taken since the appeal places the matter in a different light to that which it was represented to the Council in. The affidavits are based upon personal knowledge, they are corroborative and convincing.

#2.

It is my opinion that the claimant has made out quite a strong case and that under the evidence ~~submitted~~ presented Nancy Jane Stewart and her lineal descendants are Choctaw Indians by blood through descent from Sally Frazier a full blood Choctaw Indian, and as such entitled to citizenship in the Choctaw Nation. This appeal is decided in favor of claimant.

(Signed)

Leo. E. Bennett

U. S. Indian Agent.

INDIAN TERRITORY.
NORTHERN DISTRICT. ss.

I, Clara Mitchell Wood, a Notary Public in and for the Northern District of the Indian Territory, do hereby certify, that the above and foregoing is a true, correct and perfect copy of the original decision of Leo E. Bennett, United States Indian Agent, in the cause of Nancy Jane Stewart for citizenship in the Choctaw Nation; that the same has been carefully compared by me, and that it is in all things true and correct.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal as such Notary Public this 10th. day of April, A. D. 1902.

Clara Mitchell Wood

Notary Public.

7-D-5
L G D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ida L. Bailey, Tobias J. Bailey and Viola Bailey as citizens by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card records of the Commission that on September 3, 1898, Ida L. Bailey appeared before the Commission at Stonewall, Indian Territory, and made personal application for the enrollment of herself and her two minor children, Tobias J. and Viola Bailey, as citizens by blood of the Choctaw Nation. Further proceedings in the matter of said application were had on April 1, 1902, before the Commission, at its office in Muskogee, Indian Territory.

It further appears from the evidence submitted in support of this application and the records in the possession of the Commission that Ida L. Bailey and Tobias J. Bailey (written "Tobe J. Bailey") were included in the original application of Nancy Jane Stewart, et al., made in the year 1887 to the Choctaw National Council, praying for admission to citizenship in the Choctaw Nation, which application was, on the 4th day of November, 1887, rejected by the Choctaw National Council; and, thereafter, an appeal being taken from such decision of the Choctaw National Council to the United States Indian Agent in Indian Territory, in pursuance of the provision of Section 3 of the Laws of the Choctaw Nation, found on page 174 of the Statutes of said Nation, in what is commonly known as the "Stanley Code", the said United States Indian Agent, Leo E. Bennett, on October 12, 1889, rendered a decision in said cause, deciding in favor of all of said applicants; and said decision was thereafter, on November 19, 1889, approved by the Acting Secretary of the Interior. Certified copies of said decision and letter of the Acting Secretary of the Interior are attached hereto and made a part of the record in this case; the originals thereof being on file with the records of the Commission in the matter of the application of John B. Stewart, et al., for enrollment as citizens of the Choctaw Nation (Choctaw Doubtful card No.1).

It further appears from an examination of the testimony of I. J. Bailey, submitted with his application for citizenship in the Choctaw Nation by intermarriage, on file with the records of the Commission in such case (Choctaw Doubtful card No.7) that the minor applicant, Viola Bailey, was born on February 11, 1889, subsequent to the filing of the original application in the case of Nancy Jane Stewart, et al., vs. the Choctaw Nation, above referred to. A certified copy of said testimony is attached hereto and made a part of the record in this case.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the names of all the applicants

herein are identified on the 1893 Leased District payment roll of the Choctaws residing in the Chickasaw district, at page 5, Nos.45, 46 and 47; the name of Ida L. Bailey appearing as "Ida S. Bailey". The names of said applicants are also identified on the 1896 Choctaw census roll, at page 49, Nos.2019, 2020 and 2021 thereof.

It further appears from the evidence in this case that the principal applicant, Ida L. Bailey, has been a resident of Indian Territory since 1878 and it is considered that the residence of the minor applicants herein is that of their mother.

It is, therefore, the opinion of this Commission that Ida L. Bailey, Tobias J. Bailey and Viola Bailey should be enrolled as citizens by blood of the Choctaw Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JUL 20 1903

COMMISSIONER.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 1, 1902.

Ida L. Bailey	::	
vs.	::	D-5.
The Choctaw Nation.	::	

In the matter of the application of Ida L. Bailey for the enrollment of herself and her two minor children, Tobias J. Bailey and Viola Bailey as citizens by blood of the Choctaw Nation.

APPEARANCES:-

J. G. Ralls, counsel for the applicants.	No appearance on behalf of the Choctaw and Chickasaw Nations.
John Stewart.	
I. J. Bailey.	

John Stewart, being first duly sworn, upon his oath testifies as follows in behalf of the applicants:

Examination by the Commission.

Q What is your name? A John Stewart.
Q What is your age? A Seventy-six.
Q What is your present post office address? A Ateka, Ateka County.
Q How long have you lived in the Indian Territory, Mr. Stewart?
A About twenty-two or twenty-three years, I think.

Q Have you resided in the Territory continuously ever since then?
A Continuously, yes sir.

Examination by Attorney, J. G. Ralls.

Q Are you acquainted with the applicant, Ida Bailey? A Yes sir, she's my daughter.
Q What is her correct name? A Ida L. Bailey.
Q Ida L. Bailey? A Ida L. Bailey.
Q Is she the identical Ida Bailey mentioned in the opinion of Lee R. Bennett, as United States Indian Agent, rendered August 26, 1889, in the case of Nancy J. Stewart vs. the Choctaw Nation? A Yes sir, she is
Q Her mother's name was Nancy Jane Stewart, was it? A Yes sir, yes
Q She was married at the time of this opinion, was she? A Yes sir, yes.
Q What is the name of her husband? A I. J. Bailey.
Q I. J.? A I. J. Bailey, yes sir.
Q She has lived in the Choctaw Nation the same length of time that you have lived here, has she? A Yes sir.
Q Where is she living now? A She is living in the Chickasaw Nation near Centre. Centre is her post office.
Q Do you know whether or not she was placed on the leased district roll? A Yes sir, she was placed on it.
Q Do you know whether or not she was placed on the Choctaw roll of 1896? A I do not. If she was enrolled it was in the Chickasaw Nation. She was on the roll I think, at that time, too.

----------:----------

Hal Belford, being first duly sworn, upon his oath states that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on April 1, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 1st day of April, 1902

Hal Belford

Notary Public.

(Copy).

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 1, 1902.

I. J. Bailey

vs. D-7.

The Choctaw Nation.

In the matter of the application of I. J. Bailey for enrollment as a citizen by intermarriage of the Choctaw Nation.

APPEARANCES:-

I. J. Bailey, the applicant.

J. G. Ralls, counsel for the applicant.

No appearance on behalf of the Choctaw and Chickasaw Nations.

I. J. Bailey, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name, Mr. Bailey? A My initials or just my given name?
Q Your name in full? A Isaac J. Bailey ------- I.J.B.
Q How old are you, Mr. Bailey? A Fifty-one.
Q What is your post office address? A Centre.
Q How long have you lived in the Territory? A I have lived in the Territory ever since February, '70.
Q Have you lived here continuously? A Yes, sir, all the time.
Q Are you the husband of Ida L. Bailey? A Yes sir.

Examination by Attorney J. G. Ralls.

Q Are you the identical person mentioned in the opinion of Leo E. Bennett, as United States Indian Agent, rendered August 26, 1889,

in the case of Nancy Jane Stewart, vs. Choctaw Nation, named therein as J. J. Bailey, age thirty-seven ye ars? A Well, J.J. that must be a mistake. It's I. J.

Q That should be I. J.? A Yes sir, I. J. Bailey.

Q Your wife and children are still living with you are they A Yes sir, they was living when I left home last Thursday evening.

Q In 1896 you applied to the Commission to the Five Civilized Tribes to be admitted as an intermarried citizen of the Choctaw Nation?

A Yes, sir.

Q You were admitted by the Commission, were you? A Yes sir.

Q Afterwards the case was appealed to the United States Court at South McAlester, and on the 13th day of July, 1896- 7, you were by that Court again admitted to citizenship as an intermarried citizen, were you? A Yes, sir.

Q How many children have you and what are their names and ages?

A I have two. The oldest one is named Tobias Jefferson-----Tobias J/, I think is theway his name was put down, and he was born in '74------in '84, the 11th of May, and the girl was born in '79 --- '89, the 11th of February, that makes her thirteen years past and the boy seventeen past.

Q You haven't given her name yet? A Viola and Tobias Jefferson --- Tobias J.

Q When your wife made her application she included these children in her application did she? A You mean at what time?

Q I mean to the Commission to the Five Civilized Tribes at Stonewall in September, 1898? A Yes sir, they was both included at that time.

Q These children are still living, are they? A Yes sir, yes.

Examination by the Commission.

These children are in the application of their mother, Tobias J., and Viola Bailey.

By Attorney:

I would like for the Commission to consider this case in connection with the case of John B. Stewart, for the purpose of showing the first admission of the mother in this case by the United States Indian Agent. We want to offer in evidence a certified copy of the judgment rendered the 13th day of July, 1897, in the United States Court, at South McAlester, for the central District of the Indian Territory, admitting to citizenship as an intermarried citizen I. J. Bailey, the husband of Ida L. Bailey.

---

m Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled case on April 1 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes insaid cause on the said day of April, 1902.

Subscribed and sworn to before me this 1" day of April, 1902.

(Signed) Hal Belford.

(Seal) (Signed) Clara Mitchell Wood,
Notary Public.

33443-1889. Copy.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 19th 1889.

The Commissioner

of Indian Affairs.

Sir:

I have considered your communication of 14th instant in the matter ofthe claim of Nancy Jane Stewart, and her lineal descendants, to Choctaw citizenship.

Inasmuch as the Counsel for the Choctaw Nation practically admits the justness of the claim as presented to the Agent, the finding of U. S. Indian Agent Bennett in favor of the claimants are approved.

The papers accompanying your communication are herewith returned.

Very respectfully,

(Signed) Geo. Chandler,

Acting Secretary.

6857, Ind. Div. '89.

11 enclosures.

INDIAN TERRITORY.

NORTHERN DISTRICT.

I, Clara Mitchell Wood, a Notary Public in and for the Northern District of Indian Territory, do hereby certify the above and foregoing to be a true and correct copy of the letter of Acting Secretary, Geo. Chandler in the matter of approving the action of Indian Agent, Bennett, in the matter of Nancy Jane Stewart, et al., for citizenship in the Choctaw Nation; that the

same has been carefully compared by me and is in all things true and correct.

IN TESTIMONY WHEREOF, I, hereunto set my hand and seal of office, this May 8, 1902.

Clara M. Stillwood.

Notary Public.

Muskogee, Indian Territory, December 23, 1901.

[illegible],

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the [illegible] instant in which you desire to be informed if Ida Bailey, the wife of [illegible] Bailey has been enrolled as a citizen of the Choctaw Nation, and also if A. M. Adams or his wife have been enrolled as citizens of the Choctaw or Chickasaw Nations.

The only information it appears from the records of this office that is desired, Ida L. Bailey, 23 years of age of Center, Indian Territory, made application to the Commission for the enrollment of herself and her minor children Tommie F. and Vilas Bailey as citizens of the Choctaw Nation. The husband of the said Ida L. Bailey appears as I. J. Bailey, a non-citizen white man.

While the names of Ida L. Bailey and her children are found upon the original rolls of the Choctaw Nation in the possession of the Commission there is an objection pending made by the Choctaw Nation to their final enrollment as citizens of that tribe and at this time the Commission has not taken up for consideration or rendered any decision relative to such final rights.

P.D.S.

You are further informed that the Commission has no record of any person by the name of A. M. Adams having been listed for enrollment or having made application for enrollment as a citizen of the Choctaw or Chickasaw Nation.

Yours truly,

Commissioner in Charge.

7-D-8

2-5

C O P Y

Choctaw D-5.

Muskogee, Indian Territory, February 25, 1902.

Ida S. Bailey,

Center, Indian Territory.

Dear Madam:

You are hereby notified that the application of Ida S. Bailey, Tobias J. Bailey and Viola Bailey for enrollment as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles,
Commissioner in Charge.

Register.

Choctaw
D5

COPY.

Muskogee, Indian Territory, July 30, 1903.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Ida L. Bailey, Tobias J. Bailey and Viola Bailey for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.
Enc. 13-30.

Choctaw-D5

COPY.

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South Mc Alester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Ida L. Bailey, Tobias J. Bailey and Viola Bailey for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.
Enc. Ma 15-30.

Muskogee, Indian Territory, December 6th, 1900.

W. A. Hughes,

Center, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 17th instant in which you desire to be informed if Ida Bailey is enrolled as a citizen of the Choctaw Nation. You state in your letter that she is the wife of Jeff Bailey of Center, Indian Territory.

In reply to your letter you are informed that Ida L. Bailey, 35 years of age, of Center, Indian Territory, the wife of T. J. Bailey, and her two children Fabian J. and Viola Bailey, are listed as doubtful claimants to citizenship in the Choctaw Nation.

Yours truly,

Acting Chairman.

T-D-S

Choctaw-DS

COPY.

Muskogee, Indian Territory, July 30, 1903.

Ida L. Bailey,

Center, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Ida L. Bailey, Tobias J. Bailey and Viola Bailey for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

Enc. Hh 14-30

Choctaw
D5

COPY.

Muskogee, Indian Territory, July 30, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Ida L. Bailey, Tobias J. Bailey and Viola Bailey for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.
Enc. 13-30.

COPY.

Choctaw-D5

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South Mc Alester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Ida L. Bailey, Tobias J. Bailey and Viola Bailey for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Registered.

Enc. Ex 18-30.

COPY.

Choctaw-D5

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South Mc Alester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Ida L. Bailey, Tobias J. Bailey and Viola Bailey for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

Enc. Ma 18-30.

Choctaw 366.

Muskogee, Indian Territory, February 28, 1902.

Ida S. Bailey,

Center, Indian Territory.

Dear Madam:-

You are hereby notified that the application of Ida S. Bailey, Tobias J. Bailey and Viola Bailey for enrollment as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st. day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register.

Muskogee, Indian Territory, August 18, 1900.

Ida S. Bailey,

Center, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to the enrollment of Ida S. Bailey, Tobias J. Bailey, and Viola Bailey, as citizens of the Choctaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Choctaw Nation the Commission will hold a session at Atoka, Indian Territory, commencing December 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final.

Yours truly,

Acting Chairman.

7-D 5

T-S
T-D-S
T-D-T

Muskogee, Indian Territory, December 29, 1902.

James Mann,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, asking if the rights of Jeff and Ida Bailey and Jim Goodson have been established.

In reply to your letter you are advised that it appears from our records that John J. Goodson and his son, John J. Goodson, Jr., have been enrolled by this Commission as citizens by blood of the Choctaw Nation, and their enrollment was approved by the Secretary of the Interior on September 12, 1902.

You are further advised that I. J. Bailey, Ida L. Bailey and her minor children, Tobias J. and Viola Bailey, have been listed among the doubtful claimants to enrollment as citizens of the Choctaw Nation.

No decision or opinion has yet been reached relative to their final right to such enrollment.

Very respectfully,

Acting Chairman.

Muskogee, Indian Territory, July 15, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 10, asking the status of the enrollment of John B. Stewart, his wife and children, and his sister, Ida L. Bailey, and her husband, J.J. Bailey.

In reply to your letter you are informed that it appears from our records that John B. Stewart and his children, John D., Stella May and George E., and his sister, Ida L. Bailey, and her children, Tobias J. and Viola, have been listed among the doubtful claimants to enrollment as citizens of the Choctaw Nation, and their final right to such enrollment has not yet been determined. As soon as decisions are reached in these cases you will be notified of the action of the Commission.

It further appears from our records that I.J. Bailey,

husband of Ida L. Bailey, and Sarah I. Stewart, wife of John B. Stewart, have been admitted to citizenship by a judgment of the United States Court for the Central District of the Indian Territory.

Under the provisions of the act of Congress of July 1, 1902, ratified by the Choctaw and Chickasaw Nations September 25, 1902, the Commission is prohibited from enrolling or making any allotment of lands in the Choctaw and Chickasaw Nations to persons whose rights to citizenship depend upon judgments of United States Courts in Indian Territory, until their rights to such citizenship are finally determined. You are further informed that the Commission has not yet taken up for consideration any cases of this character.

Respectfully,

Commissioner in Charge.

705

Joseph S. Wells,
Attorney and Counselor,
Atoka, Ind. Ter.

(C O P Y)

July 20, 1905.

In Re Ida L. Bailey, J.J. Bailey, and Sarah I. Stewart.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Referring to the above cases I beg to say that it is my understanding that J. J. Bailey was admitted by the Commission under the act of June 10th., 1896, and that his case was appealed to the United States Court by the Choctaw Nation; he was there admitted by the UnitedStates Court,- and, the recent decision of the Citizenship Court, if it can affect persons who were not before it, could have done nothing more than to vacate the judgment of the United States Court, and left in full force and effect the judgment of the Dawes Commission, admitting him, and he is entitled to be enrolled pending the final result. He has never appeared before the Citizenship Court and is not going to do so.

Inthe case of Ida L. Bailey she was rejected by the Dawes Commission and appealed to the United States Court, and after the Court undertook to vacate judgments she appeared before the Commission and applied as an intermarried citizen,

and is going to rest her case upon her application as an intermarried citizen of the Choctaw Nation.

Very respectfully,

(Signed) J.G. Walls.

7-15
7-D-5
7-D-7

Muskogee, Indian Territory, July 22, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 20, in which you state that J.J. Bailey was admitted by the Commission under the act of June 10, 1896, and on appeal he was admitted by the United States Court. That the recent decision of the Citizenship Court could have done nothing more than to vacate the judgment of the United States Court, leaving in full force and effect the judgment of the Dawes Commission, admitting him, and that he has never appeared before the Citizenship Court and does not intend to do so. You further state thatIda L. Bailey was rejected by this Commission, and on appeal to the United States Court was admitted. That she has now applied to the Commission for enrollment as an intermarried citizen, and is going to rest her case upon that application.

J.G.R.——2

This information has been made a matter of record in these cases.

Respectfully,

Commissioner in Charge.

Choctaw-D5

COPY.

Muskogee, Indian Territory, July 30, 1903.

Ida L. Bailey,

Center, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Ida L. Bailey, Tobias J. Bailey and Viola Bailey for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles,
Commissioner in Charge.

Registered.

Enc. Ex 1a-30

Muskogee, Indian Territory, December 23, 1901.

P. Duffy,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant in which you desire to be informed if Ida Bailey, the wife of J. J. Bailey has been enrolled as a citizen of the Chickasaw or Choctaw Nation and also if A. M. Adams or his wife have any rights as citizens of the Choctaw or Chickasaw Nations.

You are informed that it appears from the records of this office that on September 3, 1898, Ida L. Bailey, 36 years of age, of Center, Indian Territory, made application to the Commission for the enrollment of herself and her minor children Tobias J. and Vilca Bailey as citizens of the Choctaw Nation. The husband of the said Ida L. Bailey appears as T. J. Bailey, a non citizen white man.

While the names of Ida L. Bailey and her two children are found upon the tribal rolls of the Choctaw Nation in the possession of the Commission there is an objection being made by the Choctaw Nation to their final enrollment as citizens of that tribe and at this time the Commission has not taken up for consideration or rendered any decision relative to such final rights.

P D S

You are further informed that the Commission has no record of any person by the name of A. M. Adams having been listed for enrollment or having made application for enrollment as a citizen of the Choctaw or Chickasaw Nation.

Yours truly,

Commissioner in Charge.

7-D-5

5557 Seigel McClellan Douglas Ubc

Transferred from Electrons D-75 Aug 15 1903

C895

In the matter of the application of S.M. Douglas and Mollie Douglas (nee Stewart) for enrollment as Choctaw citizens.

S.M.Douglas being sworn says:

I live at Tishomingo, Chickasaw Nation. I have lived there two years, next January. Before that I lived at Coalgate, Ind. Ter. I have lived in the Territory 18 years. I am the husbad of Mollie Stewart. I am an intermarried citizen. I claim my right because of my marriage to Mollie Stewart.

The names of my wife's children by her former husband are Thomas Bailey, James Stewart, James Stewart, Newton Stewart and Bonnie May Stewart. These are the same persons who applied to the Dawes Commission for enrollment as members of the tribe by blood, in 1896. They were admitted by the Dawes Commission.

We all live in the Chickasaw Nation at this time. They all lived in the Choctaw Nation at the time the application was made.

Mollie Stewart claimed as a Choctaw by blood. Her father was Myers. His mother was Tabitha Harris. From her Mollie Stewart gets her blood. She was raised partly in Texas and partly in the Territory. She started from Mississippi to the Choctaw Nation. Her father came to the country and went back for them. On their way here they stopped at Denison and her people all died, and there left her an orphan. She got left. That is what she says about it and she will swear to it. I have known her about 10 years.

I married her one year ago last July. She was admitted in 1896. The case was not appealed.

These children and my wife are now living.

Silas James and Isaac Burris were witnesses before the

Dawes Commission .

She owned a farm on Mud Creek for eight years, and had no trouble.

My marriage certificate was filed with the Commission . My wife affidavit was sent I think. She also sent permits showing that she had been recognized.

She had been married before I married her. She married a white man under Chickasaw law. When she owned the farm on Mud Creek other persons were allowed to farm under her.

H.T.V .Perry being sworn says:

I live at Coalgate. I have lived there eight years. I know S.M.Douglas and his wife who was Mollie Stewart.

Mrs. Stewart was sick and sent for me , and asked me to prepare her affidavits to present to the Dawes Commission. She said she would send the witnesses up , and asked me to draw the papers.

I took down in pencil what she dictated and took it to my house and wrote it up . She gave me her papers and I pinned them all together and sent them to the Dawes Commission. She told me what she knew and signed it and swore to it before me. Before I sent it off I read it over to her. Isaac Burris and Silas James did the same thing. I am personally acquainted with these witnesses. I have known them for seven or eight years. Theyxi live from six to eight miles from Coalgate. I am a Notary Public and presented several claims to the Dawes Commission. I was post master at Coalgate at the time.

I furnished copies of the affidavits to the attorneys for the Choctaw Nation. They were sent by registered letter to Stuart, Lewis and Gordon. I was going to send them to the Governor, but I learned that he was allowing the registered mail to pile up and not taking it out of the office, and one of the members of the Dawes Commission instructed me to send to the attorneys.

Isaac Burris and Sila James signed these affidavits in their own handwriting. They can read and write. I suppose the original affidavits signed by them are on file with the Dawes Commission. They were sober when they signed the affidavits.

Mr. James told me that he had been up and talked with Mrs. Stweart before he signed the affidavit.

Copy.

Teller, I.T., Chickasaw Nation.

Mr. G. W. Wright,

Indian Agent, Muscogee, I.T.

Sir:

I am in possession of some information in regard to the evidence produced by Mollie Douglas in regard to the Steward claim to citizenship.

One of the witnesses for Douglas was at the time, and is yet, a fugitive from justice, and knew nothing (he says) of the facts and told just what Douglas wanted him to tell because he and his family were being supported by him (Douglas) for that purpose.

One other witness for her (Douglas) was John Johnson who was bribed for he knew nothing of the facts, but simply got a horse for his assistance, and when I interrogated him as to why he testified the way he did, he just remarked he did not think it any harm because it kept the D-m Indians out of that much land. Now if claims can be established by such evidence I would like to know it. Should you doubt my standing for truth and veracity wire wire Dr. Venoy, George Adams, Henry Hendrix and all of Tishomingo, I.T.

Very truly yours,

J.W. Wright,

Teller, I.T.

D 75 ~~Chickasaw.~~

In the United States Court for the Indian
Territory Central District.

L. M. Douglas
vs
Millie Douglas nee Stewart.

No Choctaw Citizen

Silas Jones first being duly sworn on his oath
says I am 50 years of age, a
Choctaw Indian by blood & a resi-
dent of Atoka County Choctaw Na-
tion. I will make an affi-
davit or appear as a witness
when Millie Stewart married
or intermarried in the Choctaw Nation.
I have never said that she
was a Choctaw by blood because
I do not know. She told me that
she was a Choctaw & beyond that I
do not know. I do not know
where she is now

Silas Jones

Sworn to & subscribed before me
this Apr. 16. 1898.

A Teel
Notary Public

(Seal)

In the United States Court for the Indian Territory - Central District

S. M. Douglas
and
Mollie Douglas, nee Stewart
vs
The Choctaw Nation

Isaac Burris after first being duly sworn on his oath says, I am 43 years of age, a Choctaw by blood recognized as such and a resident of Atoka County, Choctaw Nation - I don't remember giving evidence in the application of Mollie Stewart for citizenship before the Dawes Commission. If I did I certainly did not state that I knew her to be a Choctaw by blood because I did not know who her people were. I do not know anything about her more than Stewart told me since. She claims to be a Choctaw but I do not anything about her I don't know that I would know her if I saw her or not

After the husband of Mattie Stewart died she married another White man by the name of Douglas & moved away I don't know where she now lives —

J. H. Burris

Sworn to & subscribed before me this A.D. 1898

To the Commissioner to the Five Civilized Tribes of Indians at Tahlequah I.T.

S.M. Douglas

Plaintiff }

V.

The Choctaw Nation,

S.M. Douglas being duly sworn on oath deposes and says my name is S.M. Douglas age 65 years my Post Office is Tishomingo I.T.

And for cause of action states that on the 4 day of July 1847 he was lawfully married to Mrs Mollie Stewart a Choctaw woman by blood. A copy of the marriage license is here with ~~attached~~ submitted as proof in support of said claim Wherefore Pltf. prays that he be enrolled as a citizen of said nation and that he enjoy all the rights and privileges of a citizen of the same

S.M. Douglas

Subscribed and sworn to before me on this 5 day of Aug. 1847

Wm Lucas
Notary Public

No. 704

Marriage Licence

United States of America Indian Territory
Southern District To any Person
Authorized by law to solemnize marriage
Greeting.

You are hereby commanded to solemnize
the Rite and publish the Bands of
matrimony between Wm S Wm Douglas of
Oakland in the Indian Territory age 35
years and Mrs Mollie Stuart of Oakland
in the Indian Territory age 34 years
according to Law and do you officially sign
and return this Licence to the parties thereinto
named.

Witness my hand and Official seal this
24 day of June A.D. 1847

Jas H. Phelps
Clerk of the U.S. Court

Certificate of Marriage.

United States of America }
The Indian Territory }
Southern District }

I, J. C. B. Thurston a minister of the
Gospel do hereby certify that on the
4 day of July A.D. 1847 I did duly &
according to law, as Commanded in
the foregoing Licence solemnize the
rite and publish the bands of
matrimony between the parties therein

No. 704

Marriage Licence

United States of America Indian Territory
Southern District To any Person
Authorized by law to solemnize marriage
Greeting.

You are hereby commanded to solemnize
the Rites and Publish the Bands of
matrimony between Wm S Wm Douglas of
Oakland in the Indian Territory age 35
years and Mrs Mollie Stuart of Oakland
in the Indian Territory age 34 years
according to Law and do you officially sign
and return this Licence to the Parties thereto
named.

Witness my hand and Official seal this
24 day of June A.D. 1847

Jas H. Phelps
Clerk of the U.S. Court

Certificate of marriage.

United States of America }
The Indian Territory }
Southern District }

I J.C.B. Thurston Minister of the
Gospel do hereby certify that on the
4 day of July A.D. 1847 I did duly &
according to Law, as Commanded in
the Foregoing License solemnize the
rites and Publish the Bands of
matrimony between the Parties thereto

named,
Witness my hand this 12 day of
July A.D 1897
My Credentials are recorded in the
Office of the Clerk of the United Court
Indian Territory Southern District
at Ardmore. Book A. Page 21
L. L. Thornton
a Minister of the Gospel.

Notice
This license and certificate of marriage
must be returned to the Office of the
Clerk of United States Court in the Ind.
Territory from whence it was issued,
within 60 days from the date hereof.

Certificate B

Record of marriage

United States of America } S.S.
The Indian Territory, Southern District
of Joseph H. Phillips Clerk of
the United States Court in the Ind. Ter.
and District aforesaid, do hereby
Certify that the license for and certificate
of the marriage of Mr. Sid Douglas &
Miss Mollie Stewart were filed in my
office in said Territory & District the
14 day of July A.D. 1897 & duly recorded
in Book C of marriage records
Page 52

In witness my hand and seal of ~~Office~~
said Court at Purcell this 14 day
of ~~January~~ July A.D. 1897

Filed July 14 1897 Joseph H. Phillips
14 1897 Clerk
Seal

By _____ Deputy

I do hereby certify that the foregoing is a true and correct copy of the original license and certificate of marriage of Sid Douglas & Mollie Stewart as the same appears of record in my office.

Witness my hand and official seal this 14th day of July A.D. 1897

Joseph H. Phillips
Clerk

By _____ Deputy

Mrs Mollie Douglas (Nee Molle Shaw)
being by me first duly sworn
on oath deposes and says my name
is mrs Mollie Douglas age 35 years
my Post Office is Tishomingo I.T.
I am a Choctaw Indian by blood
I have lived in the Chickasaw
Nation most of the time for
10 years past and have always
enjoyed the rights and privileges
of a citizen -
The Permitt Collector has issued
unto a number of Permitts for
parties on my place in said
nation. I was in the Choctaw
Nation for about one year, during
which time my children attended
the Indian School. -
Mrs Douglas further states that
her claim, together with her
children's claims was presented
to the Dawes Commission last
year and I was notified by my
Attorney H. F. Perry that it
was allowed by the Commission
said Application together with the
Indian Marriage License and the
Affidavits of Jno Jones & Isaac Brown

Mouth of N D whom were Chaplain
Credentials were submitted with
said Application
Mrs Douglas for the State that
on the 4 day of July 1847 she
was lawfully married to S M
Douglas a United States Citizen
And has lived with him since
that time

Mrs Mollie Douglas
her
mark

Subscribed and sworn to before
me on This 7 day of Aug
1847.

Wm Gleason
Notary Public

INDEXED

CHOCTAW.

32.

IN RE
THE DEATH OF

Mollie Douglass

a citizen of the

Choctaw *Nation.*

Approved MAY 20 1902 1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 20 1902

ACTING CHAIRMAN.

CHOCTAW.

D 75

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Mollie Douglass
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Peller
(Here insert name of post office.)
, Ind. Ter., and died on the 28 day of [illegible],
1898

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, Seigel M. Douglass on oath state that I am 40 years of age and a citizen, by Intermarriage, of the Choctaw Nation; that my post office address is Coalgate, Ind. Ter.; that I am the lawful husband of Mollie Douglass
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)
who was a citizen, by blood, of the Choctaw Nation; and that said Mollie Douglass died on the 28 day of
(Here insert name of deceased.)
December, 1898

Seigel M & Lillian Douglass

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14 day of May 1902

J R Perry
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, Sarah Ann Douglass, on oath state that I am about 60 years of age, and a citizen, by ~~[illegible]~~ of the Unites States ~~[illegible]~~; that my post office address is Coalgate, Ind. Ter.; that I was personally acquainted with Mollie Douglass
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by blood, of the Choctaw Nation; and that said Mollie Douglass died on the 28 day of
(Here insert name of deceased.)
December, 1898

her
Sarah + A Douglas
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Marguerite Perry
Ira Bibb

Subscribed and sworn to before me this 16 day of May 1902

J R Perry
Notary Public.

Cheetaw 2-75.

Muskogee, Indian Territory, February 26, 1902.

Seigel McLellan Douglas,

Fishermings, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Cheetaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Cheetaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Register. Commissioner in Charge.

Department of the Interior.
Commission to the Five Civili zed Tribes.
Muskogee, Indian Territory, April 3, 1902.

Siegel McClellan Douglas, et al.,	
vs.	D-75.
The Choctaw Nation.	

In the matter of the application of Siegel McClellan Douglas for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mollie Douglas, and his four minor step children, Bailey Stewart, James Stewart, Newton Stewart and Benny Stewart as citizens by blood of the Choctaw Nation.

On the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, and on the 26th day of February, 1902, the principal applicant was also notified by registered mail that the application of Siegel McClellan Douglas for the enrollment of himself, his wife and his minor step-children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902, for final consideration.

Now, on this 3rd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made.

A. Tolle, Attorney for the applicant.	No appearance on behalf of the Choctaw and Chickasaw Nations.
J. G. Ralls, attorney for the applicant.	
C. L. Herbert, attorney for the applicant.	

By J. G. Ralls, Attorney:

The applicants object to the Consideration of the ex parte affidavits of Silas James and Isaac Buress, taken April 16, 1898, before A. Telle, Notary Public, for the reason that there is no seal attached to the affidavits, and for the further reason that it is ex parte and the applicants had no notice of the proceeding, had no opportunity to cross-examine the witnesses, and for the further reason that the judgment of the Commission rendered in behalf of the applicants in 1896 cannot be attacked in this manner. And the applicants also object to the consideration of the letter of J. W. Wright, of Teller, Indian Territory, addressed to G. W. Wright, Indian Agent, Muskogee, Indian Territory, for the reason that the same is irrelevant and incompetent.

The applicants request that the Commission refer to case Number 415 of the Docket of the Commission of Choctaw cases decided in 1896 under the act of June 10, 1896.

I notice on the Field Card in this case a notation that the evidence taken by the stenographer to be attached; it does not appear to be attached to the card, but the evidence referred to there is the evidence appearing on the first three pages of the record in this case, which is on file with the Commission, and that evidence was taken by oral examination before the Commission at Colbert on the date the Field Card was made, I being attorney for the applicants at that time.

----------:----------

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 5 day of April, 1902.

Clarence Chenoweth

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 21st, 1902.

Choctaw D-75
Intermarried

---------oOo---------

In the matter of the application of Seigel McClellan Douglas for enrollment as an intermarried citizen of the Choctaw Nation.

Seigel McClellan Douglas being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Seigal McClellan Douglas.
Q How old are you? A Forty-one years old.
Q What is your post office address? A Cairo.
Q Which Nation is that in? A Choctaw Nation.
Q How long have you been a resident of the Choctaw Nation?
A I have been a resident of the Choctaw and Chickasaw about twenty-one years; part of the time I lived in the Chickasaw and part of the time in the Choctaw.
Q How long have you lived in the Choctaw? A Little over a year.
Q Before that you lived in the Chickasaw? A Yes sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Indian wife through whom you claim?
A Mollie Stewart.
Q Is she a recognized citizen of the Choctaw Nation? A Yes sir, she was enrolled in '96 and no appeal taken in her case.
Q When were you married to Mollie Stewart? A About '97.
Q Where was this marriage ceremony performed? A Teller, in the Chickasaw Nation.
Q At that time were both you and your wife residents of the Chickasaw Nation? A Yes sir.
Q Were you married in accordance with the Chickasaw tribal law?
A Yes sir.
Q Who performed the marriage ceremony? A Judge Lewis.
Q From whom did you procure your license? A John McLaughlin.
Q Who was he? A Indian Judge.
QC Of what county? A Pickens county.
Q How much did you pay for the license? A Fifty dollars.
Q Were you ever married before your marriage to Mollie Stewart?
A No sir.
Q Was she ever married before her marriage to you? A Yes sir.
Q How many times? A Once.
Q What was the name of her husband? A John Stewart.
Q Was he dead at the time of your marriage? A Yes sir.
Q Since that marriage have youmlived together continuously as husband and wife up to the present time? A Up until she died. She's dead.
Q When did she die? A '98.
Q You lived with her continuously up to the time of her death?
A Yes sir.

Q There was no separation of any kind? A No sir.
Q Since her death have you remarried? A Yes sir.
Q What is the name of your wife? A Gertie Lee.
Q Is she a white woman? A Mississippi Choctaw.
Q She is an applicant for enrollment as a Mississippi Choctaw?
A Yes sir.
Q When were you married to her? A About 1900.
Q Still living with her are you? A Yes sir.
Q You are at present a bona fide resident of the Choctaw Nation?
A Yes sir.

- - - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 21st day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14th day of January, 1903.

Charles Hedawyer

Notary Public.

Wax

7 D 75
L & D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mollie Douglas, Bailey Stewart, James Stewart, Newton Stewart and Bonny Stewart as citizens by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card and other records in this case that Seigel McClellan Douglas appeared before the Commission at Colbert, Indian Territory, October 13, 1898, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation and for the enrollment of his wife, Mollie Douglas, and her minor children, Bailey Stewart, James Stewart, Newton Stewart and Bonny Stewart, as citizens by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, April 3, 1902 and at Atoka, Indian Territory, November 21, 1902, and from the testimony offered at the latter time it appears that the applicant Mollie Douglas died in 1898. Seigel McClellan Douglas is differently classified and is not embraced in this decision.

It further appears from the records in the possession of the Commission that on September 9, 1896, in the case entitled "Mollie Stewart, et al., vs. the Choctaw Nation" (1896 Choctaw Docket "C", No.815) the applicants Mollie Douglas (as Mollie Stewart), Bailey Stewart, James Stewart, Newton Stewart and Bonny Stewart made original application to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation, claiming their rights thereto as citizens by blood of said Nation and on December 4, 1896, the said applicants, Mollie Douglas, Bailey Stewart, James Stewart, Newton Stewart and Bonny Stewart, were by this Commission admitted to citizenship in the Choctaw Nation as citizens by blood, from which decision of the Commission no appeal was taken.

It further appears from the evidence in this case that the applicants herein were residents in good faith of Indian Territory on June 28, 1898.

It is, therefore, the opinion of this Commission that Bailey Stewart, James Stewart, Newton Stewart and Bonny Stewart should be enrolled as citizens by blood of the Choctaw Nation in accordance with the provisions of Section twenty-one of the Act of

Mollie Douglas, et al.-2

Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Mollie Douglas, who died prior to September 25, 1902, should be dismissed, in accordance with the provisions of Section 28 of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JUL 30 1903

COMMISSIONER.

Choctaw-178

COPY.

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Bailey Stewart, James Stewart, Newton Stewart and Benny Stewart for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Registered.

Enc. Hh 23-30.

Choctaw-978.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Beigal McClellan Douglas,

Ardmore, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Bailey Stewart, James Stewart, Newton Stewart and Bonny Stewart for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Registered.

Enc. Rh 21-30.

Check re-p75.

COPY.

Muskogee, Indian Territory, July 30, 1903.

C. L. Herbert,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Bailey Stewart, James Stewart, Newton Stewart and Bonny Stewart for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED T. B. Needles.
Commissioner in Charge.

Registered.
Enc. Ex 29-30

[illegible]

COPY.

Muskogee, Indian Territory, July 30, 1903.

J. S. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Bailey Stewart, James Stewart, Newton Stewart and Ronny Stewart for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED T. B. Needles.

Commissioner in Charge.

Registered.

Enc. Rh 30-30

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

SEIGEL McCLELLAN DOUGLAS.

7-5687.

Department of the Interior.
Commission to the Five Civili zed Tribes.
Muskogee, Indian Territory, April 3, 1902.

Siegel McClellan Douglas, et al.,	
vs.	D-75.
The Choctaw Nation.	

In the matter of the application of Siegel McClellan Douglas for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Nellie Douglas, and his four minor step children, Bailey Stewart, James Stewart, Newton Stewart and Benny Stewart as citizens by blood of the Choctaw Nation.

On the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, and on the 26th day of February, 1902, the principal applicant was also notified by registered mail that the application of Siegel McClellan Douglas for the enrollment of himself, his wife and his minor step-children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902, for final consideration.

Now, on this 3rd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made.

A. Wells, Attorney for the applicant.	No appearance on behalf of the Choctaw and Chickasaw Nations.
J. S. Wells, attorney for the applicant.	
C. L. Herbert, attorney for the applicant.	

By J. C. Ralls, Attorney:

The applicants object to the Consideration of the ex parte affidavits of Silas James and Isaac Burese, taken April 16, 1898, before A. Tolle, Notary Public, for the reason that there is no seal attached to the affidavits, and for the further reason that it is ex parte and the applicants had no notice of the proceeding, had no opportunity to cross-examine the witnesses, and for the further reason that the judgment of the Commission rendered in behalf of the applicants in 1896 cannot be attacked in this manner. And the applicants also object to the consideration of the letter of J. W. Wright, of Teller, Indian Territory, addressed to G. W. Wright, Indian Agent, Muskogee, Indian Territory, for the reason that the same is irrelevant and incompetent.

The applicants request that the Commission refer to case Number 818 of the Docket of the Commission of Choctaw cases decided in 1896 under the act of June 10, 1896.

I notice on the Field Card in this case a notation that the evidence taken by the stenographer to be attached; it does not appear to be attached to the card, but the evidence referred to there is the evidence appearing on the first three pages of the record in this case, which is on file with the Commission, and that evidence was taken by oral examination before the Commission at Colbert on the date the Field Card was made, I being attorney for the applicants at that time.

----------:----------

Hal Bolford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Bolford

Subscribed and sworn to before me this 3rd day of April, 1902.

Clement Tidmarsh

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 21st, 1902.

Choctaw D-75
Intermarried

---------oOo---------

In the matter of the application of Seigel McClellan Douglas for enrollment as an intermarried citizen of the Choctaw Nation.

Seigel McClellan Douglas being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Seigel McClellan Douglas.
Q How old are you? A Forty-one years old.
Q What is your post office address? A Cairo.
Q Which Nation is that in? A Choctaw Nation.
Q How long have you been a resident of the Choctaw Nation?
A I have been a resident of the Choctaw and Chickasaw about twenty-one years; part of the time I lived in the Chickasaw and part of the time in the Choctaw.
Q How long have you lived in the Choctaw? A Little over a year.
Q Before that you lived in the Chickasaw? A Yes sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Indian wife through whom you claim?
A Mollie Stewart.
Q Is she a recognized citizen of the Choctaw Nation? A Yes sir, she was enrolled in '96 and no appeal taken in her case.
Q When were you married to Mollie Stewart? A About '97.
Q Where was this marriage ceremony performed? A Teller, in the Chickasaw Nation.
Q At that time were both you and your wife residents of the Chickasaw Nation? A Yes sir.
Q Were you married in accordance with the Chickasaw tribal law?
A Yes sir.
Q Who performed the marriage ceremony? A Judge Lewis.
Q From whom did you procure your license? A John McLaughlin.
Q Who was he? A Indian Judge.
Q Of what County? A Pickens county.
Q How much did you pay for the license? A Fifty dollars.
Q Were you ever married before your marriage to Mollie Stewart?
A No sir.
Q Was she ever married before her marriage to you? A Yes sir.
Q How many times? A Once.
Q What was the name of her husband? A John Stewart.
Q Was he dead at the time of your marriage? A Yes sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Up until she died. She's dead.
Q When did she die? A '99.
Q You lived with her continuously up to the time of her death?
A Yes sir.

Q There was no separation of any kind? A No sir.
Q Since her death have you remarried? A Yes sir.
Q What is the name of your wife? A Certie Lee.
Q Is she a white woman? A Mississippi Choctaw.
Q She is an applicant for enrollment as a Mississippi Choctaw?
A Yes sir.
Q When were you married to her? A About 1900.
Q Still living with her are you? A Yes sir.
Q You are at present a bona fide resident of the Choctaw Nation?
A Yes sir.

- - - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 21st day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14th day of January, 1903.

Charles H. Sawyer
Notary Public.

Next

I, Guy Keel, Clerk of
Pickens County, Ga. H.
and Ex. officio hereby
than the foregoing
was duly recorded
on General record
book of marriages, on page 17.
This the 6th. day of
Sept. 1898.

Guy Keel
Clk. P. Co. Ga.

7-2687

CHICKASAW NATION



COUNTY OF PICKENS.

To Any Judge of The County or District Court, Ordained Minister of The Gospel in and for Said County of Pickens, GREETING:

You Are Authorized to Solemnize the

RITES OF MATRIMONY

BETWEEN MR. L M Douglas And Miss Mollie Stuart

And make due Return to the clerk of the County Court within Thirty Days thereafter certifying your action Under This License

Witness my Official Signature and Seal of Office, Pickens County Court-House, this 3 2nd day of September 1898

J F M Laughlin
Judge County Court, Pickens County.

By _____ DEPUTY

I, J. O. Lewis hereby certify that on the 6th day of Sept A. D. 1898, I United in Marriage L M Douglas and Miss Mollie Stuart the parties above-named.

WITNESS my hand this 6th day of Sept 1898

Jake O Lewis
Dist Judge C N

Filed for Record 6th day Sept 1898, Recorded 6 day of Sept 1898

Guy Keel Clerk.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Seigel McClellan Douglas as a citizen by intermarriage, and for the enrollment of his stepchildren, Bailey, James, Newton and Bonny Stewart, as citizens by blood, of the Choctaw Nation, Choctaw Field No. 5687.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that no further action be taken in connection with allotment of lands to these persons until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 55 on the South McAlester Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-S-687

Choctaw-5687.

In the matter of the application for the enrollment of Seigel McClellan Douglas as a citizen by intermarriage and for the enrollment of his step-children, Bailey, James, Newton and Benny Stewart as citizens by blood of the Choctaw Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB - 6 1904
CHAIRMAN.

7-5687.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Seigel McClellan Douglas as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record in this case that, on September 5, 1898, the applicant, Seigel McClellan Douglas, was married, in accordance with the laws, customs, and usages of the Chickasaw Nation, to Mollie Douglas (formerly Stewart), who, on September 9, 1896, in the case entitled "Mollie Stewart, et al. vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 815), made application to the Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission as a citizen by blood of the Choctaw Nation, and, on December 4, 1896, was admitted by the Commission as a citizen by blood of the Choctaw Nation, from which decision of the Commission no appeal was taken; that at the time of said marriage both parties above mentioned were residents in good faith of the Chickasaw Nation; that they lived together continuously as husband and wife, in said Nation, from the date of their marriage until the death of the said Mollie Douglas, a few months later; that in the year 1900, the applicant herein was married to Gertie Lee, a non-citizen; and that the applicant was a resident in good faith of the Choctaw-Chickasaw country from the date of his marriage to the said Mollie Douglas up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Seigel McClellan Douglas should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Muskogee, Indian Territory,

JAN 10 1905

C. R. Breckinridge

Commissioner.

Choctaw 5687.

COPY.

Muskogee, Indian Territory, January 10, 1906.

Seigel McClellan Douglas,

Ardmore, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 10,1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[redacted]

Tams Bixby

Chairman.

Registered,

Encl. 7-5687.

Choctaw 5687.

COPY.

Muskogee, Indian Territory, January 10, 1905.

C. L. Herbert,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on January 10, 1905, rendered its decision granting the application of Seigel McClellan Douglas for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[redacted]

Tams Bixby

Chairman.

Registered.

Choctaw 5687.

COPY.

Muskogee, Indian Territory, January 10, 1905.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on January 10, 1905, rendered its decision granting the application of Seigel McClellan Douglas for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Choctaw 5687.

COPY.

Muskogee, Indian Territory, January 10, 1905.

Riley & Cotner,

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes on January 10, 1905, rendered its decision granting the application of Seigel McClellan Douglas for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Choctaw 3687.

COPY.

Muskogee, Indian Territory, January 10, 1905.

Wm. H. Murray,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on January 10, 1905, rendered its decision granting the application of Seigel McClellan Douglas for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[redacted]

Tams Bixby
Chairman.

Registered.

Choctaw 5637.

COPY.

Muskogee, Indian Territory, January 10, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered January 10, 1905, granting the application of Seigel McClellan Douglas for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Encl. 7-5637.

See Choctaw 3754 for registery receipt for this letter.

To The Commission to The Five
Civilized Tribes of Indians at
Ft Gibson I. T.

S. M. Douglas
Plf

V.

The Choctaw Nation

S. M. Douglas being
duly sworn on oath deposes and
says my name is S. M. Douglas
Age 35 Years and post Office
is Tishomingo I. T.

And for cause of action states
that on the 4 day of July 1897
he was lawfully married to
Mrs Mollie Stuart a Choctaw
woman by blood

A Copy of the marriage license
is here with submitted as
proof in support of said
claim.

Wherefore Plaintiff prays that
he be enrolled as a citizen
of said nation And that he
enjoy all the rights and privileges
of a citizen of said Nation.

S. M. Douglas

Subscribed & Sworn to before me
on This 5 day of Aug. 1897
John Dean Ns

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,
The Indian Territory,
SOUTHERN DISTRICT. } sct.

I, JOSEPH W. PHILLIPS, Clerk of the United States Court in the Territory and District aforesaid.

DO HEREBY CERTIFY that the License for, and Certificate of the Marriage of Mr T. M. Douglas and M Mollie Durant were filed in my office in said Territory and District the 14 day of July A. D., 1897 and duly recorded in Book ... of Marriage Record page 52

WITNESS my hand and seal of said Court, at Ardmore, this 14 day of July A.D., 1897

JOSEPH W. PHILLIPS, Clerk

By ... Deputy.

FILED
JUL 14 1897 9 AM

Joseph W. Phillips

No. [redacted]

Marriage License.

United States of America,
The Indian Territory,
Southern District. } ss

To Any Person Authorized By Law to Solemnize Marriage—Greeting.

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between M. L. M. Douglas of Oaklands in the Indian Territory aged 30 years and Mrs Mollie Stuart of Oaklands in the Indian Territory aged 31 years according to law and do you officially sign and return this License to the parties therein named.

WITNESS My hand and Official Seal, this 26 day of June A. D. 1897.

Jos. W. Phillips
CLERK OF THE U. S. COURT.

Certificate of Marriage.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
SOUTHERN DISTRICT.

I, [illegible]

a [illegible]

DO HEREBY CERTIFY, that on the [illegible] day of [illegible] A. D. 189, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this [illegible] day of [illegible] A. D. 189[illegible].

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book [illegible] Page [illegible]

[illegible]

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of United States Court in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

Mrs Mollie Douglas nee
Molle Steward being by me first
duly sworn on oath deposes and
says my name is Mrs Mollie
Douglas age 36 years my post
office is Tishomingo I.T.
I am a Choctaw Indian by blood
I have lived in the Chickasaw
Nation most of the time for 15 years
last and have always ~~been~~
enjoyed the rights and privileges
of a citizen. The Dawes Commission
has issued quite a number of
permits ~~for~~ for lots on my place
in said Nation, I was
in the Choctaw Nation for about
one year during which time my
children attended the Indian schools.
~~The wife~~ Mrs Douglas further states
that her claim, together with her
Childrens claim was presented to
the Dawes Commission ~~last~~
and I was notified by my lawyer
~~Hon~~ W. T. U. Perry that it was
allowed by the Commission. Said
Application together with the Indian
marriage marriage license, and the
affidavits of Judge James & Isaac Brown

both of whom were Choctaw Indians were submitted with said Application Mrs Douglas further states that on the 24 day of July 1897 she was law fully married to S. M. Douglas a United States citizen and has lived with him since that time

Mrs Mollie this S Douglas
now

Subscribed and sworn to before me on this 7 day of Aug. 1897

Wm Rucker
Notary Public

REGISTRY RECEIPT.

Post Office at Tishomingo, I.T.

Registered Letter / Parcel No. 17 Rec'd Aug. 10th 1897

of S.C. Treadwell

Tishomingo, I.T.

addressed to Hon. Green McCurtain

Sans Boys, I.T.

T.B. McLish P.M.

Tishomingo I.T.
Aug. 10 1897

I W.Y. Wiley hereby certify that I have this day sent a true copy of the application of S.M. Douglas for citizenship before the Dawes Commission, together with true copies of the marriage license and affidavit of Mrs Mollie Douglas. Mailed original to Green McCurtain Chief of the Choctaw Nation

W.Y. Wiley

Subscribed and sworn to before me this 10 day of Aug 1897

Wm Reese
Notary Public

No. .....

[redacted]

S. M. Douglas

Plaintiff ..... Appellant

Choctaw Nation

Defendant ..... Appellee

S. C. Treadwell [redacted]

Attorneys for Plff.

Atoka, I. T.

FILED

AUG 12 1897

W. Wm. Jamison

CLERK

C O P Y.

INDIAN TERRITORY,)
)
SOUTHERN DISTRICT.)

Before me, W.M. Lucas, a notary public in and for the Southern District, personally appeared J.J. Sandifer, known to me to be the person whose name is subscribed hereto, and after first by me being duly sworn, deposes and says:

"I am 79 years old. I lived in Copiah Co., Miss. for about twenty-three years and left there for Arkansas, thence to Texas and came to the Territory two years ago. I am personally acquainted with Mrs. Dangless (formerly Mrs. Mollie Stewart, nee Mollie Myres); knew her in Mississippi. She was the daughter of Colman Myres who lived a neighbor to me. I knew the Myres in Mississippi and afterwards knew her father in Texas in 1867 or 1868. She was then about nine years old. When they (Colman Myres) moved from my settlement in Texas (he had been working for me) and I left for the Chocktaw Nation, I learned afterwards that the family took sick on reaching Denison, Texas, and died there, leaving their child an orphan. I met her next when I came to the Territory.

People generally, both in Mississippi and in Texas, said that Colman Myres was a mixt-blood with Indian. The Myres had the general reputation of being Choctaws."

(Signed) J.J. Sandifer.

Subscribed and sworn to before me on this Dec. 31st, 1898.

(Signed) W.M. Lucas, Notary Public.

(SEAL)

C O P Y.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tishomingo, Indian Territory, September 27th, 1898.

In the matter of the application of Mollie Stewart for enrollment as a Choctaw citizen.

Silas James, being duly sworn by Commissioner T.B. Needles, testified as follows:

By Commissioner Bixby:

Q What is your name? A Silas James.

Q Do you know Mollie Stewart? A I have seen her.

Q Do you know anything about her family? A She was talking to me about it and I told her I did not know anything about it.

Q Did you ever sign an affidavit in regard to her rights?

A No sir. Isaac Burris' name was signed to it and he too did not know anything about it.

Q You never offered any testimony at all regarding the Mollie Stewart case? A No sir.

Q And do not know a thing about it? A No sir.

(Copy)

Jos. G. Ralls,
Attorney-at-Law.

Office in
U. S. COURT BUILDING.
Main Street.

Atoka I. T. Nov. 5th, 1898.

Commission to the Five Civilized Tribes,

Muscogee, I. T.

Dear Sirs:-

I beg to enclose herewith two letters and two notes; one note to Carrie Perry dated Coalgate Ind. Ter. 10/28/1898, due 60 days after date, for $56.25, signed by Silas James, the other note dated Coalgate Ind. Ter. 8/11/1898, to Carrie Perry, for $10, due 4 months after date, signed by Isaac H. Burris; one letter dated Coalgate 2/5/1898 to myself signed by Isaac H. Burris and the other letter dated Coalgate 1/28/1898 to myself signed by Silas James.

These letters and notes are sent you for the purpose of comparing the signatures of Isaac H. Burris and Silas James with the signatures to the original affidavits in the case of Millie Stewart et al., vs Choctaw Nation. You will remember that while at Colbert this case was tried before you and the testimony of H. T. V. Perry was taken, in which he testified that Silas James and Isaac H. Burris made and signed the original affidavits. You will note that these letters are written in H. T. V. Perry's hand writing and that the names Silas James and Isaac H. Burris are in a different hand writing. The notes also are in the handwriting of H. T. V. Perry but the signatures you will notice are quite different. You will also notice that the note for $10 given by Isaac H. Burris will be due on the 11th of this month and the one from Silas James will be due December 28th. You will also note that these letters authorized me or employed me to file certain papers for these parties in court.

I am not particular about the letters, as I keep copies of them,

but will ask you not to make the notes a part of the record but return them to me so that I may deliver them to Mrs. Perry that she may collect them when they become due.

I am satisfied that on examination you will find that Mr. Perry was correct in his deposition before you. I might find other papers signed by these parties, but as the signatures are about the same to all of them I should think these sufficient. You will also notice that Isaac H. Burris sometimes signs his name I. H. Burris. He is on bonds, as well as Silas James, but I would not be able to get these bonds as they are in Court. There can be no douht whatever about these signatures being genuine; I have seen Silas James' signature quite often and have seen Isaac Burris' several times and there cannot possibly be any mistake about these.

Very respectfully,

J.G. Ralls.

Dic. Enc.

Endorsed on back as follows:

COMMISSION TO FIVE TRIBES.		
No.	Received	Ans.
1 3 4 9.	NOV 7 1898	

Ralls, Jos. G.

Atoka I. T. 11/5/98.

Relative to case of Mollie Stewart, et al., vs. Choctaw Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:o:-----

In the matter of the application of Mollie Stewart, et al, for enrollment as citizens of the Choctaw Nation.

-----:o:-----

Wm. H. Murray, Esq., Attorney for the applicants.

-----:o:-----

Ardmore, Indian Territory, November 25th, A. D., 1898.

-----:o:-----

J. J. Johnson, being duly sworn by Commissioner T. B. Needles, on his oath, testified on behalf of the applicants as follows:

Direct Examination by Mr. Murray:

Q How old are you? A. I will be fifty-three years old the third of February.

Q Did you ever live in Mississippi? A. Yes sir.

Q Whereabouts in Mississippi? A. I lived in three different counties.

Q While you were living in Mississippi did you know a man by the name of Harris? A. Yes sir.

Q What county was that? A. Tipper.

Q What nationality was this man Harris? A. Choctaw.

Q About how old were you at the time you remember of seeing this man Harris? A. In early childhood, I can hardly remember.

Q How long has it been since you first remembered him? A. I reckon five or six years old.

Q As early as you can remember? A. Yes sir.

Q About what age was this man Harris? A. I don't know, sir. He was gray haired at the time.

Q State the facts or circumstances that caused you to remember him; what relation did he bear to your family; just the circumstances that caused you to remember him? A. I was a child when he used to come to father's. He always claimed he was going to eat me and I was always afraid of him.

Q About how much Indian blood do you think was in him? A. They said he was a full Choctaw.

Q Did your family have any other relation with him, and if so, state what? A. Father and he used to hunt together.

Q Can you tell where? A. On a creek by the name of Yarnaby.

Q What county? A. Tipper.

Q Did this man Harris have any children? A. Yes sir.

Q Were any of them married? A. Yes sir, he had a daughter married.

Q What was her name? A. Bytha.

Q What was her husband's name? A. Myers.

Q Do you remember Myers' surname? A. No sir.

Q The family of Myers. You say they were married at the time you left there? A. Yes sir.

Q Did this Myers family have any children? A. Yes sir, had some grown sons.

Q Any daughters? A. I don't know whether they did or not. Yes, I think they had a daughter.

Q Do you remember of the Myers family one son that was known as Calvin? A. Yes sir.

Q Who did Calvin marry? A. My memory is that he married into a white family by the name of Allen.

Q By the name of Allen? A. Yes sir.

Q Do you remember the name of the girl's father, the head of the family? A. That he married into?

Q Yes sir, that Calvin married into? A. Bill Allen I think.

Q Did they continue to remain in Mississippi, this Myers family now I speak of? A. These three boys - - -

Q If they didn't, where did they go to? A. The older brother was named Jim. He came in either to Texas or the Nation a year or two before the war, and the other one came out then the next year, and came back and got his family and left, I don't know where he went. He said he was coming to the Nation.

Q Which one was that that said he was coming to the Nation?

A The one that married into the Allen family, Calvin.

Q Was that after the war, during the war, or what time? A. Just before the war.

Q Just before the war? A. Yes sir.

Q About how old were you at that time? A. I was fourteen years old,- twelve, thirteen or fourteen, somewheres about that.

Q About how old was that girl. You stated Calvin married an Allen. Did you state whether they had any children or not?

A Yes sir, they had two or three children, may be three.

Q I will ask you if he had one daughter by the name of Mollie?

A Yes sir, used to play with twin sisters of mine.

Q Were they younger or older than you? A. Three or four years younger than I was.

Q Three or four years younger? A. Yes sir.

Q After they left Mississippi did you ever see that girl known as Mollie any more? A. I don't know whether I did or not. I met a woman that said she came from there and that was her parents name up here when I run a boat at Burneyville.

Q When was that that you run that boat at Burneyville? To

or eleven years ago.

Q Ten or eleven years ago? A. Yes sir.

Q Was this party that claimed to be the same Mollie was she married at the time you saw her at Burneyville? A. A man by the name of Stewart.

Q Mollie you say? A. Yes sir.

Q What was her husband's name? A. Stewart.

Q About how long did you see them there while you were running that boat? A. Fifteen or eighteen months I run a boat there.

Q Fifteen or eighteen months you run a boat? A. Yes sir.

Q They often crossed there going to market? A. Yes sir, to Gainesville.

Q Did you afterwards see her? A. Yes sir.

Q When? A. About two years ago.

Q Was she still married to Stewart? A. No sir, she was a widow.

Q Have you seen her since that time? A. Yes sir.

Q How long ago have you seen her, the last time you saw her?

A This week.

Q Is she married now? A. Yes sir.

Q Who is her husband? A. Mr. Douglass.

Q This man here? A. Yes sir.

Q What are your initials, Mr. Douglass? A. (By Mr. Douglass) S. M.

Q You said that man Harris seemed to be a full blood Choctaw?

A (Witness) That is what father and they all said, he was a full blood Choctaw.

Q This Calvin Myers, was he known in that country as a Choctaw?

A Yes sir.

Q Was this girl Mollie known as a Choctaw? A. Yes sir, that was his grand son - -

Q Grand daughter you mean? A. Calvin was a grand son of old man Harris.

Q What age did you say you were? A. Fifty-three years old the third of February next.

Q Fifty-three years old? A. Yes sir.

Q You stated that they left Mississippi about the time of the breaking out of the war? A. Yes sir.

Q And this girl lived with her parents? A. Yes sir.

Q How old was that girl when she left there? A. Could not have been over five or six years old, seven at the outside. She used to come there and play in the yard with my two twin sisters.

Q Since you met her in the Territory have you known her here to be a Chickasaw or Choctaw Indian; is it known that she was a Choctaw? A. Yes sir, she claimed that here.

Q (By Com'r. Tams Bixby) She claimed it? A. Yes sir, she claimed to be a Choctaw.

Q He asked you if she had been known to be a Choctaw? A. Yes sir.

Q How old were you when you knew her father? A. He came there all the way from the time I could twattle around.

Q You don't remember him since you were ten years old? A. No sir, I think he died about that time and was burried there at the Yarnaby grave yard. He never came to this Nation at all, the old grand-father Harris, the man I spoke of, he never came to this Territory at all. He was burried there in that old grave yard.

James R. Hutson, being duly sworn by Commissioner T. B. Needles, on his oath, testified on behalf of the applicants as follows:

Direct Examination by Mr. Murray:

Q How old are you Mr. Hutson? A. Thirty-three years.

Q What is your business? A. Well, sir, I am a teacher by profes-

sion.

Q Did you used to live in Texas in Montague County? A. Yes sir.

Q Was there, during your growing up from childhood, a girl raised in your family by the name of Mollie? A. Yes sir.

Q Now just state how old you were when Mollie first came there?

A I suppose I was about seven or eight years old.

Q How old was she? A. About eleven or twelve, somewhere along there.

Q Who brought her there? A. Two men, one named Jim Chandler and another named Billy Chandler.

Q What relation were they to her, if any? A. Cousin.

Q This Mollie, did you ever hear them say or did they say when they brought her there that she was an Indian? A. Yes sir.

Q Did they claim to be Indians themselves? A. I don't remember whether they claimed to be Indians themselves or not. They told my mother that they had a little cousin that they wanted her to take care of, an orphan girl, a little Choctaw girl.

Q You stated that the girl was raised in your family? A. Yes sir.

Q When she married who did she marry? A. A man by the name of John Stewart.

Q After she married John Stewart where did they move to?

A Mud Creek, Indian Territory.

Q Afterwards did you know her in the Territory? A. Yes sir.

Q Was she recognized as an Indian? A. Yes sir. She received rents and had men on her place.

Q Didn't you permit under her once? A. No sir, not myself.

Q Do you know parties that did? A. No sir, I don't know that I could call their names. There was parties there. I was there visiting twice and stayed there some little while.

Q Do you know whether she is still living with this man Stewart?

A No sir, Stewart is dead.

Q Who is her husband now? A. Mr. Douglass.

Q Mr. Douglass? A. Yes sir.

Q Where did they state that they brought this child from?

A Denison, Texas, or the Territory, I would not be positive, but at least some of her brothers and mother and a good part of the family had died in Denison.

Q She was brought there when you were very young? A. Yes sir.

Q You have heard your mother speak of her, have you? A. Yes sir, often. In other words, I was raised with her until she married.

Q How long ago was it she married? A. I would not be positive. The first time you mean to say?

Q Yes sir? A. I couldn't say, eighteen or twenty years, somewheres along there.

Q Do you know exactly her age? A. Well, sir, I know about her age, I don't know just exactly her age.

Q Do your family know her age exactly? A. My mother might know, she would be more apt to know than I would, as I was small when she came there.

Q Is your mother living in the Territory? A. No sir, she lives near San Jose, Texas.

Q You know that her cousins called her a Choctaw Indian? A. Yes sir.

Q You know that subsequently she resided in the Territory?

A Yes sir.

Q And partook of the privileges of an Indian? A. Yes sir.

Q You know that parties rented under her? A. Yes sir.

Q Permitted under her? A. Yes sir.

Examination by Com'r. Tams Bixby:

Q Do you know anything about the nationality of Mollie Stewart --

A No sir.

Q Excepting what these men said that brought her to your house?

A No sir.

Q How old was you at that time? A. I suppose about seven or eight years old, small boy at least.

Q (By Com'r. Needles) How old was she? A. Eleven or twelve I think, about that.

Q Talk English well? A. Yes sir.

Q Talk English just like you do? A. Talk English.

Q Did she talk Choctaw when she talked Indian? A. She didn't to me because I would not have known the language.

Q You would have known it was not English if you had heard her talking a foreign tongue? A. Yes sir.

Q But you never heard her talk anything but English? A. No sir.

S. M. Douglass, being duly sworn by Commissioner T. B. Needles, on his oath, testified on behalf of the applicants as follows:

Direct Examination by Mr. Murray:

Q Mr. Douglass, did your wife's children ever attend the Indian schools? A. They did. My wife told me that her children went to the Indian school and she never paid no tuition.

By Commissioner Tams Bixby:

Q Do you know anything about it yourself? A. Yes sir, I know that she didn't pay no tuition.

Q Do you know that they did go there? A. Yes sir, I know they went to school.

Q How many children? A. Four.

Q Chickasaw or Choctaw school? A. Choctaw, neighborhood school.

Q Do you know any other facts about that now? If so, state them? A. My step son went to Ateka school, neighborhood school,

about three weeks. The neighberhood school closed and he didn't go any more. I carried him there myself.

By Commissioner A. S. McKennon:

Q Did you show the certificate that was sent to you from the Dawes Commission when you sent them to the school? A. Sir?

Q Did you show them the statement from the Dawes Commission that your family had been admitted? A. No sir, we never showed that to any teachers.

Q Or anybody-else? A. It was after that that we got your letter.

Q When did the children go to school? A. They went to school,- let me see,-- No, it was just about the time. I don't know whether my wife had the letter from you fellows at that time or not.

Q What year did they go, this year or last year? A. About three years ago. They went to school at Coal Gate.

Q When did that boy go to Ateka? A. He went this last October, about last October a year, if I remember right, somewhere along in the fall.

Q Did you exhibit that statement? A. No sir.

Indian Territory
Southern District }

Before me W.M. Lucas, a notary public in and for the Southern District personally appeared J.T. Sandifer, known to me to be the person whose name is subscribed hereto. And after first by me being duly sworn, deposeth and says.
"I am 79 years old and lived in Copiah Co. Miss. about twenty-three years and left there for Arkansas and came to the Territory two years ago. I am personally acquainted with Mrs. Douglass (formerly Mollie Stewart, nee Mollie Myres); knew her in Mississippi. She was the daughter of Calvin Myres who lived a neighbor to me. I knew the Myres in Mississippi and afterwards knew her father in Texas in 1867 or 1868 She was then about nine years old. When they (Calvin Myres) moved from my settlement in Texas (he had been working for me) and left for the Choctaw Na-

tion. I learned afterwards that the parties took sick on reaching Denison Texas and died there, leaving this child an orphan. I met her next when I came to the Territory. People, generally, both in Mississippi and in Texas said that Coleman myself and a mixt-blood with Indian. The myself had the general reputation of being Chactaws."

J F Sanders

Subscribed and sworn to before me this Dec. 1, 1898.

H M Lucas
Notary Public

Mallie Stevens et al
V.S
Choctaw Nation

Kindly file
this affidavit
with papers in
the above
cause

1 3975 1

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tishomingo, Indian Territory, September 27th,1898.

In the matter of the application of Mollie Stewart for enrollment as a Choctaw citizen.

Silas James, being duly sworn by Commissioner T. B. Needles, testified as follows:

By Commissioner Bixby:

Q What is your name? A. Silas James.

Q Do you know Mollie Stewart? A. I have seen her.

Q Do you know anything about her family? A. She was talking to me about it and I told her I did not know anything about it.

Q Did you ever sign an affidavit in regard to her rights?

A No sir. Isaac Burris' name was signed to it and he too did not know anything about it.

Q You never offered any testimony at all regarding the Mollie Stewart case? A. No sir.

Q And do not know a thing about it? A. No sir.

Muscogee, Indian Territory,

August [illegible], 1900.

Seigel McClellon, Douglas,

Teller, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. O'Connor, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Mollie Douglas, A Bailey Stewart, James Newton, and Jenny Stewart as citizens of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-75.

Muskogee, Indian Territory, September 18, 1900.

Seigle McClellan Douglas,

Teller, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

T-D-75

Muskogee, Indian Territory, December 19, 1902.

Seigel McClellan Douglas,

Fuller, Indian Territory.

Dear Sir:

The Commission has information of the death of your wife, Mollie Douglas, subsequent to the time application was made for her enrollment as a citizen of the Choctaw Nation.

For the purpose of making her death a matter of record, there is enclosed you herewith a blank proof of death, which please have executed and return to this office.

In having the same executed be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto. The notary public before whom the acknowledgments of the relative and acquaintance are made must affix his notarial jurat and seal to each separate affidavit.

Yours truly,

MC. Commissioner in Charge.

Ur 703.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-75.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Seigel McLellan Douglas,

Tishomingo, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Commissioner in Charge.

Register.

Choctaw D 78

Muskogee, Indian Territory, May 21, 1902.

Seigle McClellan Douglass,

Tyrn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you desire to be informed as to what disposition has been made in the matter of your application for the enrollment of yourself and your family as citizens of the Choctaw Nation.

Replying to your inquiry you are advised that in pursuance of the notice given the applicants in this case and to the attorneys for the Choctaw Nation, the matter of the application for the enrollment as citizens by blood of the Choctaw Nation of Bailey, James , Newton and Benny Stewart and for the enrollment of Seigle McClellan Douglass as a citizen by intermarriage of the Choctaw Nation, this case was called for final consideration at the office of the Commission at Muskogee, Indian Territory, on April 3, 1902, on which date no appearance was made on behalf of the Choctaw Nation but A. Tolle, J. G. Walls and C. L. Herbert, attorneys, appeared in behalf of the applicants, at which time J. G. Walls made certain exceptions to the evidence filed by the Choctaw Nation in this case.

The Commission will now at as early a date as practicable, render its decision relative to the rights to enrollment of these

[illegible]

persons as citizens of the Choctaw Nation and when such decision is rendered you will be furnished with a copy thereof and advised of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

7-B-78.

Muskogee, Indian Territory, August 22, 1902.

L. R. Stewart,

Teller, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th instant, stating that you desire to select an allotment for your nephew, Baily Stewart, who is in the United States Army in the Philippine Islands.

In reply you are advised that it appears from the records of the Commission that on October 13, 1898, application was made to the Commission for the enrollment of Seigel McClellan Douglas, his wife, Mollie Douglas, and her minor children, Bailey, James, Newton and Benny Stewart, as citizens of the Choctaw Nation. Subsequently on May 20, 1902, the Commission received proper evidence as to the death of said Mollie Douglas, on December 29, 1898. No final action has been taken by the Commission in the matter of the enrollment of these parties, but it is probable that their application will be taken up for consideration at an early date, at which time the parties interested will be duly advised of the decision of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

7-D-75

L. R. S., E.

The Commission cannot at this time make any record of the selections of prospective allotments of citizens of the Choctaw and Chickasaw Nations, and such selections will only be recorded at the allotment offices to be established in said nations.

Yours truly,

Acting Chairman.

Choctaw D 75

Muskogee, Indian Territory, April 22, 1903.

Selgle McClellan Douglas,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 16, stating that your present post office address is Ardmore, Indian Territory, and asking that all communications relative to your enrollment be addressed to you at that place. You are advised that this change of address has been made a matter of record with the Commission.

Respectfully,

Chairman.

Chestaw-5667

Muskogee, Indian Territory, February 6, 1906.

Mr. Seigel McClellan Douglas,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1905, and upon a protest filed with the Commission by the attorneys for the Chestaw and Chickasaw Nations, dated January 23, 1906, no further action will be taken in connection with the allotment of lands of the Chestaw-Chickasaw Nations to Seigle McClellan Douglas, Bailey Stewart, James Stewart, Newton Stewart and Benny Stewart, until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw 8687

Muskogee, Indian Territory, April 15, 1904.

Riley & Cotner,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 8, asking the exact status of the enrollment of Seigel McLellan Douglass as an intermarried citizen of the Choctaw Nation, and requesting to be informed whether or not protest has been filed against his enrollment by the attorneys for the Choctaw and Chickasaw Nations.

In reply to your letter you are informed that, on February 6, 1904, there was filed with the record in this case the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, in which they request that final action in this case be suspended until the final decision of the Choctaw-Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 85 on the South McAlester docket, in which the said court will decide the question of what compliance by the applicants or their ancestors with the third or fourteenth articles of the treaty of eighteen hundred and thirty was necessary in order

R & C 2

to be entitled to enrollment and to participate in the distribution of the tribal property of the Choctaws and Chickasaws, which question, they allege, is involved in this case.

You are now advised that on March 14, 1904, the Choctaw-Chickasaw Citizenship Court rendered a decree in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, and, as there is now apparently no reason for the suspension of further action in this case, the Commission will, as soon as practicable, take up the same for consideration and determination.

Respectfully,

Commissioner in Charge.

7-5687

Muskogee, Indian Territory, December 10, 1904.

S. M. Douglas,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 1, 1904, asking if the citizenship of Seigle M. Douglas has been approved.

In reply to your letter you are advised that the Commission is now considering your application for enrollment as an intermarried citizen of the Choctaw Nation and as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Chairman.

D 78

Muskogee, Indian Territory, May 23, 1902.

Seigel M. Douglas,

Cairo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit and that of Sarah Ann Douglas relative to the death of your wife Mollie Douglas on December 29, 1898 and the same being in proper form have been duly filed with the records of the Commission.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, December 17, 1901.

Hon. John D. Benedict,

Superintendent of Schools in Indian Territory,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you desire to be informed if James Newton and Bonnie Stewart, children of John and Nellie Stewart, deceased, have been enrolled by this Commission as Choctaws by blood and if so whether by order of United States Court or otherwise.

Replying to your inquiry you are informed that it appears from our records that on October 13, 1896, James Stewart, 12 years of age, Benton Stewart, 11 years of age and Benny Stewart, 8 years of age, the children of John Stewart, deceased and Nellie Stewart, of Teller, Indian Territory, were listed for enrollment as citizens of the Choctaw Nation having been admitted to such citizenship by a judgment of the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896. The names of these children are not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission.

Yours truly,

12 96

7-D-755.

Muskogee, Indian Territory, August 17, 1904.

Mollie Stewart,

Ardmore, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

G.S.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
7-D-755.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 17, 1904.

Mollie Stewart,
Ardmore, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

7-6687

Muskogee, Indian Territory, November 19, 1904.

F. M. Douglas,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 17, 1904, asking what disposition has been made of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission is now considering your application for enrollment as an intermarried citizen of the Choctaw Nation and as soon as a decision is rendered therein you will be notified of the action taken.

Respectfully,

Chairman.

7-5687

Muskogee, Indian Territory, August 16, 1905.

Cabell & Deen,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Your letter of July 31, 1905, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you inclose petition of Sabra Gertie Douglas for the enrollment of herself and minor children, Jesse, Marvin Paul and Beulah Lilliam, as citizens of the Choctaw Nation.

It is stated therein that Sabra Gertie Douglas is the wife of Seigel McClellan Douglas, an intermarried citizen of the Choctaw Nation, and that the children therein named are the children of Sabra Gertie and Seigel McClellan Douglas.

In reply to your letter you are advised that it does not appear that application was made for the enrollment of the persons therein named prior to December 25, 1902. If it is insisted that such application was made, Sabra Gertie Douglas will be permitted to appear at this office accompanied by the person by whom application was made, and witnesses who have knowledge of the facts, at

C & D #2

which time their testimony will be taken relative thereto, and the petition herewith inclosed may be presented if it is so desired.

Respectfully,

LM 2/16

Acting Commissioner.

Choctaw 5688
Naomi Walker
No. 4 Refused

4-15-05 Decision of commission
of 7-30-03 on Rolling No 1, 2, and 3
affirmed by Secy of INT.
(I.T.D 5134-1904)

Transferred from Choc D-320 8-15-03

2-6-04 Protest of Atty for Nations
Filed

No. 4 2-18-07 Report To Dept

5688

J.W.H.

DEPARTMENT OF THE INTERIOR.

WASHINGTON. THE April 5, 1905.

I.T.D. 5134-1904.

L.RS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 13, 1904, you transmitted the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children, Cynthia M.E. and Rose C. Walker, as citizens of the Choctaw Nation, together with your decision of July 30, 1903, granting said application.

The facts as to these applicants appear as follows: Naomi Walker is a white woman and has resided in the Indian Territory continuously since 1868. In 1869 the ceremony of marriage was performed between her and Jesse B. Smith, a white man. Thereafter it developed that Smith was a married man at the time this ceremony with Naomi Walker was performed. As a result the attempted marriage was declared null and void. In 1872 the applicant married Wiley H. Stewart (or Stuart), a recognized and enrolled citizen by blood of the Choctaw Nation. She was a resident of the Choctaw Nation at the time of this marriage. The ceremony was performed, however, in the Chickasaw Nation, and not in accordance with a license procured from said

nation. After four years of married life, owing to the crimin--al character of her husband she obtained a divorce from him and in 1887 remarried. Of this marriage, which was with a white man named Frank H. Guiou, there was born one child, not, however, an applicant herein. A divorce was also obtained from Guiou. Thereafter the principal applicant married a non-citizen named Rose Walker, under a license issued November 4, 1882, by J. P. Turnbull, Supreme Judge of the Third Judicial District of the Choctaw Nation. In this license signed by said judge the applicant is described as "a citizen of the Choctaw Nation." To Mr. and Mrs. Walker were born a son Rose, and a daughter Cynthia Walker. They are the minor applicants mentioned herein.

It appears that all of the applicants were admitted to citizenship by your Commission under the act of June 10, 1896, and that no appeal was taken in their cases. In your decision of July 30, 1903, you ordered that Naomi Walker be enrolled as a citizen by intermarriage of the Choctaw Nation, also that Cynthia and Rose Walker be enrolled as citizens thereof.

In a report rendered June 30, 1904, a copy of which is is enclosed, the Indian Office recommended that your action be approved.

It was held in a recent opinion of the Assistant Attorney General relative to the application of Benjamin J. Vaughan et al., that intermarriage with enrolled citizens of

the Choctaw and Chickasaw Nations is equivalent to the enrollment of such intermarried persons as of the date of their marriage. It follows that Naomi Walker, and of course her children born to her in said nation after said marriage, were recognized citizens at the time your Commission took jurisdiction in their case under the act of June 10, 1896. That they were such citizens is true, notwithstanding the marriage of Naomi Walker to Wiley Stewart was performed in the Chickasaw Nation not under a tribal license issued by it. See departmental decision of August 29, 1904, in the Choctaw case of Ella Jones. Being without jurisdiction, the proceedings had in 1896 are without force and effect. Under the facts stated, however, the principal applicant and her children are entitled, under the Curtis Act and the Choctaw-Chickasaw agreement, to enrollment. Your decision in favor of Naomi Walker and her children Cynthia M.E. and Rose Gibson Walker is therefore affirmed.

It is noted that the record contains reference to a third child of Mrs. Walker, born to her when she was the wife of Mr. Guiou. Relative to this child the inquiries propounded to Mrs. Walker developed that a former application had been made on behalf of said child, and that the Commissioners to whom application was made advised Mrs. Walker to wait until her

rights were settled. The result was that the application was left incomplete for her children, except as to the two born to her as the wife of Mr. Walker; the other "being a step-child was left out." Inasmuch as Mrs. Walker has testified under oath before your Commission that a previous application was made for this child, it is considered, in order that its rights, if any, may be safeguarded, that further testimony should be taken in the matter, particularly as the child is apparently entitled in every respect to all the rights to which its halfbrother and sister are herein accorded. In this connection see departmental letter of October 3, 1904, directing you to receive the application of Anna L. Dandy for the enrollment of her minor child, in reference to whom proceedings were initiated by letter requesting blank form of application for enrollment of infant child.

You are requested to advise the parties in interest hereof. The record in the case is returned herewith.

Respectfully,

Thos. Ryan.
Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, April 18, 1905.

Naomi Walker,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that under date of April 5, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of July 30, 1903, enrolling you as a citizen by intermarriage, and your two minor children, Cynthia M. E. and Rose G. Walker, as citizens of the Choctaw Nation.

The Department in its letter invites attention to the fact that in your testimony you refer to a third child born to you when you were the wife of Frank H. Guiou, and directs the Commission to secure additional testimony in order to determine whether or not said child is entitled to enrollment as a citizen of the Choctaw Nation.

You are accordingly notified that the Commission to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at three o'clock P.M., hear such testimony as you may present, showing that your child by Frank H. Guiou is entitled to enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED) Tams Bixby,
Chairman.

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1395
6363

Muskogee, Indian Territory, April 18, 1905.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

For your information there is inclosed you herewith copy of departmental letter of April 5, 1905, affirming the decision of the Commission of July 3o , 1903, enrolling Naomi Walker as a citizen by intermarriage, and her two minor children, Cynthia M. E. and Rose G. Walker, as citizens of the Choctaw Nation.

Your attention is particularly invited to that portion of departmental letter of April 5, 1905, in reference to a child of Mrs. Walker, born to her when she was the wife of Frank H. Guiou, and in which the Commission is directed to secure further testimony in order that the rights of said child, if any, may be safe-guarded.

You are advised that the commission to the Five Civilized Tribes will, at its office at Muskogee , Indian Territory , on Wednesday, May 3, 1905, at three o'clock P. M., hear such testimony as may be presented tending to show that the child of Mrs. Walker by her former husband, Frank H. Guiou, is entitled to enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED) Tams Bixby

Commissioner.

McM 18/25

Muskogee, Indian Territory, April 18, 1905.

J. B. Dickerson,

South McAlester, Inian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior on April 5,,1905, affirmed the decision of the Commission to the Five Civilized Tribes of July 30, 1903, enrolling Naomi Walker and her two minor children, Cynthia M. E. and Rose G. Walker, as citizens of the Choctaw Nation.

The Secretary of the Interior in his letter of the 5th instant, invites the attention of the Commission to the child of Naomi Walker by a former husband, Frank H. Guiou, and directs that further testimony be secured in order that the rights of said child, if any, may be safeguarded.

You are accordingly advised that at the general office of the Commission at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at three o'clock P.M., such testimony will be heard tending to show that the child of Naomi Walker by her former husband, Frank H. Guiou, is entitled to enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED) Tams Bixby,

Commissioner.

Muskogee, Indian Territory, April 18, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

For your information there is inclosed you herewith copy of departmental letter of April 5, 1905, affirming the decision of the Commission to the Five Civilized Tribes of July 30, 1903, enrolling Naomi Walker as a citizen by intermarriage, and her two minor children, Cynthia M. E. and Rose Walker, as citizen of the Choctaw Nation.

Your attention is particularly invited to that portion of the letter of the Acting Secretary of the Interior in which reference is made to a child of Mrs. Walker by a former husband, Frank H. Guiou, and to the instructions of the Commission to secure further testimony in order that the rights of said child, if any, may be safeguarded.

You are therefore advised that the Commission will, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, at three o'clock P.M., hear such testimony as may be presented tending to show that the child of Naomi Walker by her former husband, Frand H. Guiou, is entitled to enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

McM 18/26

Choctaw-5688.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 3, 1905.

In the matter of the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation

Proceedings had in conformity with Departmental instructions of April 5, 1905.

Appearances:
For the Choctaw Nation, Mr. W. H. Moore appearing for Mansfield McMurray & Cornish
For the Applicant V. Hicks appearing for J. G. Ralls, Atoka, I. T.

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Naomi Brown being first duly sworn testified as follows:
Examination by the Commission:
Q What is your name? A Naomi Brown.
Q How old are you? A Fifty-two last November.
Q What is your postoffice address? A Durant.
Q You are appearing here at this time with reference to an application for the enrollment of a child b a former husband, Frank Guiou? A Yes sir.
Q What is the name of that child? A Harry.
Q How old is he? A He will be 27 the 6th day of May.

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Examination by Mr. Hicks:
Q Mrs. Brown, was your name formerly Walker? A Yes sir.
Q Did you ever make application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation? A Yes sir.
Q Where was that application made? A At Durant.
Q Do you remember when it was? About how long ago? A Well, its been six years ago; I think it was in 1899.
Q Do you remember the Commissioner in chagge at that time? A I can't recall his name but that Commissioner was discharged; he was turned off some way, or resigned. I don't know how, but he was off the Commission and there was another put on.
Q He is not with the Commission at this time,-the one you made application to, is he now? A No, I never did go before him since that.
Q What did he tell you? A A When I give in my testimony I put my child before me and he said, "Just wait my boy until your mother is through.
Q Was your child Harry there at that time? A Yes sir.
Q When were you married to Frank H. Guiou? A In 1877, September I think the first. He got the license in August sometime and we were married in September I think, the 1st or 2d.
Q Were you married under the Choctaw laws or under United States laws? A According to the Chickasaw laws.
Q Did he procure a license from the Chickasaw authetities? A Yes, he got a license from Judge Kingsberry at Colbert Station.
Q Have you a certified copy of that license? A Yes sir.
By the Commission: The applicant offers in evidence, marked Exhibit A., filed and made a part of the rec-

ord of these proceedings, a certified copy of the marriage license issued by C. B. Kingsberry, county and probate judge, Pickins county, Chickasaw Nation, dated August 31, 1877 to Frank H. Guiou a citizen of the United States to marry Naomi E. Steward a citizen of the Chickasaw Nation, together with the certificate of R. S. Bell as to the marriage of Frank H. Guiou and Naomi E. Steward September 2, 1877.

Examination by Mr. Hicks.
Q Were you and Mr. Guiou living together at the time of the birth of Harry? A Yes sir.
Q In the Choctaw Nation? A No, in the Chickasaw Nation, at Double Springs; he taught school there--a national school. They don't call it by that name now.
Q Has Harry Guiou lived in the Choctaw-Chickasaw Nations all of his life? A Yes, he don't know anything else.

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Examination by Mr. Moore:
Q Who did you say the Commissioner was before whom you applied? A I can't tell; he was the first Commissioner.
Q Was it Captain McKennon? A Yes, that is the name.
Q In what year was it that you applied for him? A August, '89 I think-'98 I mean.
Q How old was your boy at that time? A Well, I would have to count back; he was born in '76.
Q In '98 he was twenty years old then, at that time? A Yes, if I count right.
Q He was twenty years old when you went there to apply for him? A Yes sir.
Q And he was there with you at the time? A Yes sir.
Q And when you applied to Captain McKennon to enroll this twenty-year-old boy he said to him "Boy, wait until your mother is enrolled"? A Yes sir.
Q How old did you say this boy is now? A Twenty-seven,will be
Q Is he a married man? A Yes sir.
Q How long has he been married? A He married July 13th I believe--
Q When did he marry did you say? A He married in July--let me see, 1900 I think.
Q He has been married about five years? A No, about two years three years this coming July.
Q He has been a man for something like seven years? A Yes sir.
Q Can you explain why he has never applied for enrollment in his own behalf? A Yes sir.
Q Well, do it. (No Answer)
Q Why hasn't he applied for himself sometime during the seven years since he has become of age? A Because I never encouraged him to.
Q Why? A I didn't know it was necessary.--
Q He was a full grown man for seven years wasn't he? A Yes sir
Q He was practically a grown man when he applied to Captain McKennon, when Captain McKennon said 'Boy wait until your mother is enrolled"? A Yes sir.
Q You have no Indian blood at all have you? A No sir.
Q And your husband, Guiou, the fatherof this man had no Indian blood? A No sir.

Q Who was the husband from whom you claim your Indian rights?
A Steward.
Q When were you married to him? A In 1872.
Q How long were you married to him? A Four years.
Q Then you were divorced from him? A Yes sir.
Q Is he still living? A No sir.
Q Have you a copy of that decree of divorce? A No sir. it is at Tishomingo.
Q In what court did you obtain it? A It was in the District Court.
Q In the Chickasaw District court or the United States court?
Q No, in the District court at Tishomingo.
Q In the tribal court? A Yes sir.
Q Was he living at the time you married Guiou? A No sir.
Q When did he die? A I just don't know the time he died. I couldn't hardly tell.
Q How long before your marriage to Guiou was it he died? A
A We ll, I don't know; I can't say.
Q Where has your son been living ever since he was born?
A He lived with me until he was married.
Q In the Choctaw Nation? A In the Choctaw and Chickasaw.
Q Did he ever live anywhere except in the Choctaw and Chickasaw Na ions? A No, he never left me until he married, and I went to Durant and he staid on my place in the Choctaw Nation
Q Have you ever been before the Commissioners in regard to your enrollment since the time you were there when Captain McKennon was on the Commission? A Yes sir.
Q Have you ever attepted since that time to make application? for Harry Guiou? A I just carried him on up with the other children.
Q Did you ever make application at the other times you were before the Commission for your son Harry Guiou? A No, I never asked them--I just told them to carry his name on up.
Q Did you carry him along in person? A Not any more I didn't.
Q That was the only time he was ever there? A Yes sir.
Q And that was before Captain McKennon when he said to this twenty-year-old boy "Boy, wait until your mother is through"?
A Yes sir.

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Examination by Mr. Hicks:
Q It was under the advice of Captain McKennon that you did not press the application?
Question objected to by attorneys for the Choctaw-Chickasaw Nation as leading.
Objection sustained by the Commission.
Question withdrawn by Mr. Hicks.

Witness excused.

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Harry Guiou being first duly sworn testified as follows:
Examination by the Commission.
Q What is your name? A Harry Guiou.
Q How old are you? A Twenty-seven the 6th day of the coming May.
Q Where do you live? A Sterrett is my postoffice.

Examination by Mr. Hicks:
Q Are you the applicant in this case? for citizenship in the Choctaw Nation? A Yes sir.
Q What is your mother's name? A Naomi Bryan.

4-Harry Guiou.

Q What is your father's name? A Frank H. Guiou.
Q Mr. Guiou, did you ever go before the Commission to make application for enrollment as a citizen of the Choctaw Nation?
A Yes sir.
Q Where was that? A Durant.
Q When, if you know? A '99.
Q Do you remember who was in charge at that time? A No sir.
Q Who did you go with to Durant? A My mother.
Q Do you remember what was told your mother as to your application for enrollment. A He told her--I don't know as I can speak the words, something similar to when she was through proving up her right, or something.
Q Told you to wait? A Yes sir.
Q You have no Indian blood have you? A No sir.
Q Have you any brothers or sisters? A I have half brothers and sisters.
Q What are their names? A Dolly Walker and Rose Walker.
Q Have you made any further application since the time you went before the Commission at Durant in 1899 until this present time? A My mother has.
Q Not you yourself? A No sir.
Q That was the only time that you appeared before the Commission? A Yes sir.
Q That was in company with your mother? A Yes sir.
Q Were you of age at that time? A Well, I can't hardly say; its been about six years ago; I was about 20 years old.
Q This Naomi Brown is your mother, I believe you said? A Yes.
Q And Frank H. Guiou your father? A Yes sir.
Q Where do you live? A I live three miles from Sterritt.
Q Have you continued to live in the Indian Territory, in the Choctaw-Chickasaw Nations all your life? A Yes sir.

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Examination by Mr. Moore:
Q What is the name of your mother's former husband from whom she claims her tribal rights? A Steward.
Q Did you ever know him? A No sir.
Q Has your mother everhad any children by this man Steward?
A Yes sir, one.
Q Is it living? A No sir.
Q Was it a boy or girl ? A Girl.
Q What was its name? A Emma.
Q How long has she been dead, if you know? A I don't know how long she has been dead.
Q Now, at the time that you went with your mother before Captain McKennon at Durant you were either of age, or practically a grown man, were you not? A I was twenty years old.
Q Twenty or twenty-one? A Hardly twenty-one.
Q But you were over twenty? A Yes sir.
Q And that was the time that Captain McKennon said to you, "Boy, wait until your mother is enrolled"? A Yes sir.
Q That was thw words he used? A I don't know as he said them words exactly.
Q But you didn't make any application for yourself at that time? A No sir.
Q Your mother made it for you A Yes sir.
Q And from that good day up to this time you have never made application for yourself? A No, my mother has.
Q Has she ever made application for you since that time? A Yes

Q When? A Well, I can't state--
Q Mr Guiou, just tell the Commission why it is that you have been living there in the Choctaw Nation for six years since you came of age and have never applied for your enrollment.
A I don't know as I could--how I could apply when the Commissioner turned me down.
Q They would turn you down? A I say the Commission did turn me down.
Q You have been a grown man for six years; of age; why havn't you applied or tried to secure your rights if you have any, in the Nation. A (No answer).
Q Do you want to answer that question? (No answer).

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Examination by the Commission:
Q Why didn't you? You have been over twenty-one for six years and the rolls have been open up to two years ago. Why didn't you for the four years that the rolls were open after you attained your majority, make application for your own enrollment.
Q But my mother did.
Q Why didn't you? A I thought she was more capable than I was.
Q You were over twenty-one for four years before the rolls were closed, September 25th, 1902? You are now twenty-seven years old. Why didn't you make application?
By Mr. Hicks: He says he was turned down before.

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Examination by Mr. Moore:
Q How long have you been married? A Three years in July.
Q Have you been attending to your own business since you were married? A Yes sir.
Q Your mother don't attend to our business for you since you were married? A No sir.
Q How long have you been attending to your own business?
A Ever since I was married?
Q Up to that time your mother looked out for your affairs for you, did she? A Yes sir.
Q Have you never had any individual business of your own?
A I always staid at home until I was married.
Q The money you had was your own before you were married, or have you been dependent upon your mother for your support ever since you were twenty-one? A No, I made my own living.
Q And looked after your own affairs? A Yes, after I was twenty.
Q You are a man of ordinary intelligence? A I think so.
Q There is no special reason why your mother should look after your affairs is there? A I always minded my mother and what she said I thought it was right to do that.
Q Can you tell why she has not applied for you since that original aplication in Durant?
By Mr. Hicks: That is a question that would more properly come before the mother.
Witness excused.

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6-Harry Guieu.

Naomi Brown being recalled testified as follows:

Examination by Mr. Moore:
Q Have you any children now living as descendants of Wiley Steward? A No sir.
Q How many did you have? A One.
Q What was its name? A Nancy Emma Steward.
Q That was a daughter? A Yes sir.
Q How old did she live to be? A She was born--I was married in 1872 and she was born in 1874 and I think she died May '75.
Q She lived to be about a year old? A Yes, she was over a year old.
Q Have you a single living child at this time by your Indian husband, Steward? A No sir.
Q Ther e is not one of the children for whom you are applying for citizenship that has a drop of Indian blood? A No sir.

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Examination by Mr. Hicks:
Q This Harry Guieu is a half brother to Rose and Cynthia Walker? A Yes, Rose and Cynthia Walker are my children and he is.

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Examination by Mr. Moore.
Q At the time you applied at Durant before Captain McKennon for this boy, did you apply for your other children, or were they living at that time? A Yes, they were living.
Q Did you apply for them? A No, I just waited until I went before the Dawes Commission.
Q Who did you apply for the second time? A I appliedfor all three of them; I had them all there.
Q Did you have this boy there? A No sir.
Q Did you have the other two with you? A No, I don't believe I did.
Q Tell us how you happened to apply for these Walker children and not for this Guieu boy?. A Before Walker died he was on the roll and he applied for them.
Q How was he on the roll? A Well, I have the papers to show I reckon.
Q You can just answer my question? A He was on the roll by intermarriage.
Q He didn't claim to have any indian blood? A No sir.
Q How long has he been dead? A Five years, and I was appointed guardian and administrator.
Q Was this boy living with you at that time? A Yes sir.
Q And living there with the other two children? A Yes sir.
Q Explain why you didn't apply for him at the time you applied for these other two children? A After Walker died I was appointed guardian and administrator and I just went on with them.
Q Appointed guardian and administrator for whom? A For these two children.
Q Why wasn't application made for Harry Guieu at the time it was made for these other two children? A Walker was his stepfather--
Q Walker was raising the boy wasn't he? A Yes sir.

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Examination by the Commission:
Q When did Mr. Walker die? A He died in--he has been dead

five years.
Q Then you were appointed guardian for the two children Cynthia and Rose Walker? A Yes sir.
A And administrator of the estate of your dead husband? A Yes.
Q That was after his death? A Yes sir.
Q About when were you appointed? A Well, I can show the papers; it was in the same year he died, 1899, along about April or May.
Q Didn't he die after you made that application at Durant?
A Yes sir.
Q The application you made at Durant was in 1899? A Yes sir.
Q How long after that was it that you were appointed guardian for these two children? A About a year, but he had put those two children on the roll in his lifetime.
Q This other boy, Harry, at the time you were appointed guardian for these two children was twenty-one years of age?
A He was twenty.
Q It was a year after you applied at Durant, and you say he was twenty? A Yes sir.
Q He was past his twentieth birthday? A Yes sir.
Q And you was not appointed guardian until a year after that?
A Yes.
Q And this boy was twenty-one at the time you was appointed guardian for these two children? A Yes sir.

-----o-----

By Mr. Hicks:

Q Did you make application to Captain McKennon for this boy, Harry Guiou before or after you made application for the other two children? A Before.

-----o----

By Mr. Moore:

Q You made application for Harry before Captain McKennon after the death of Walker? A Yes sir.
By the Commission: Is that right?
A Did I say after the death of Walker I made application for Harry? No, it was before.
Q When did you make application before the Commission for these other two children? A It was after that that Mr. Walker made application for these two children--
Q It was after that Mr. Walker made application for these two children that he put himself and them on the roll--since you say that Captain McKennon told this boy to wait until his mamma was enrolled; and then went on and enrolled these other Walker children, didn't it ever occur to you that Harry should make application? A No, I never thought anything about it after I was appointed guardian.
Q You thought to attend to these two Walker children? A Yes, I was appointed guardian and I thought I had to; knew I would have to enroll--

-----o-----

Examination by the Commission:
Q In 1896, that would be about nine years ago, you filed a petition with the Commission to be admitted as a citizen of the

Choctaw Nation? A 1896? It was the first time I came here. I reckon it was '96 but I am not positive about it?
Q Did you make out that petition yourself or did you have a lawyer to make it out, the one that was made out in 1896?
A I just went before the Commission without any lawyer.
Q At that time you applied for yourself and your two children by Walker? A Yes sir.
Q That was how long before you were at Durant? A Not at that time I didn't because I put him up and didn't apply for either one of them, but the same month, later on Walker put them up.
Q We are talking about this petition you had drawn up and sent to Vinita three years before you went before the Commission at Durant, and in that petition you applied for yourself and Cynthis and Rose Walker, and claim your right by reason of your marriage to Steward, and for Cynthis and Rose Walker through you and through their father Rose Walker, who was also an intermarried citizen. Now, why didn't you apply for this Harry Guiou when you made out that petition in 1896? A I just didn't know how; that's all.
Q Rose Walker, your former husband, is dead now? A Yes sir.
Q He died you day in 1899? A Yes sir.
Q Now, didn't he make a separate application for his two children Rose and Cynthia Walker, and claim their rights entirely through him as an intermarried citizen, and not through you? A No,-I don't know whether he did or not; he is there on the roll; I have got his papers to show that they acknowledged him, and he got them on through the license.
Q Through what license? A License they gave him to marry me.
Q Wasn't Rose Walker married to a Choctaw Indian before he married you? A If he was I didn't know it.
Q Didn't he claim to be an intermarried citizen? A Yes sir.
Q What is the name of the Choctaw wife he married before he married you? A I don't know.
Q When Rose Walker, nine years ago, was looking out for these children while he was living, didn't he claim that these two Walker children were entitled to enrollment through him? A No, I don't know whether he did; he said he got on the roll through the license; that's all I know.

The records of the Commission show that under the provisions of the act of Congress of June 10, 1896, p petitions were submitted for the admission of Naomi, Cynthia and Rose Walker, and it does not appear that any application or petition was ever presented for theadmission of Harry Guiou as a citizen of the Choctaw Nation.

---o---

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane

Subscribed and sworn to before me this May 4th, 1905.

Notary Public.

MARRIAGE LICENSE.

TO ANY ORDAINED MINISTER OF THE GOSPEL OF THE CHICKASAW NATION GREETING:

Frank H. Guiou a citizen of the United States having complied with the laws of the Chickasaw Nation relating to the Intermarriage of a citizen of the United States and a citizen of the Chickasaw Nation.

Now, therefore, I hereby authorize you to join the said Frank H. Guiou and Naomi E. Steward, a citizen of the Chickasaw Nation in the solemn contract of marriage.

Dated August 31, A. D. 1877.

C. B. Kingsberry
C&P Judge.
Panola County C. N.

Oct. 17th 1877
Chickasaw Nayion.

County of Panola.

I Robert S. Bell an ordained Minister of the Gospel of the Cumberland Presbyterian Church do certify that on the 2nd day of September A. D. 1877 Mr. Frank H. Guiou and Mrs. Naomi E. Steward were pusuant to the within and foregoing Commission or Marriage License duly written in marriage by me at the aforesaid according to the forms and usages of the said Cumberland Presbyterian Church. Given under my hand at the county of Pickens in the said Chickasaw Nation this 3rd day of Sept. A. D. 1877.

(SEAL) R. S. Bell, Minister of C.P. Church.

Attest.

Benj. F. Greenwood, Clerk of P.C.C.N.

Recorded on the 17th day of Oct. 1877. I do hereby certify that the foregoing is a true and correct copy of the orginal License and certificate of Frank H. Guiou and Mrs. Naomi E. Steward now on record in my office in Panola County C.N.

Given under my hand and official Signature this the 28th day of Apr. 1905.

T. W. Short.
County & Clerk P.C. C. N.

(SEAL)

Indosed on Back as follows:

Exhibit "A"

Department of the Interior?

Commission to the Five Civilized Tribes.

F I L E D .

May 3, 1905.

(SIGNED) Tams Bixby, Chairman.

SECRETARY'S OFFICE

DEPARTMENT OF THE INTERIOR

WASHINGTON, D.C.

G.R.

I.T.D.5134-1904
5850-1905
D.C. 4261-1905.

L.R.S.

January 29, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is returned to you report and additional proceedings had May 5, 1905, in pursuance of departmental instructions of April 5, 1905, relative to the right of Harry Guieu to enrollment as a citizen of the Choctaw Nation.

You are requested to adjudicate the case in connection with the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children, Cynthia M.E. and Rose G. Walker, as citizens of the Choctaw Nation, who were declared to be entitled to enrollment as such by the decision of the Commission to the Five Civilized Tribes of July 30, 1903, which was affirmed by the Department on April 5, 1905 (I.T.D. 5134-1904).

Respectfully,

Thos Ryan,

First Assistant Secretay

1 inclosure.

7-5688.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation.

D E C I S I O N.

The Department in its letter of April 5, 1905 (I.T.D. 5134-1904), stated that from an examination of the testimony of Naomi Walker taken in the matter of her application for enrollment as a citizen by intermarriage of the Choctaw Nation, that the inquiries propounded to her developed that a former application had been made on behalf of the applicant, Harry Guiou, and directed that further testimony be taken touching the right of said Harry Guiou to enrollment as a citizen of the Choctaw Nation.

On May 3, 1905, proceedings were had in the matter of the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation, and on May 5, 1905, the same was forwarded to the Department, together with a report therein.

January 29, 1906 (I.T.D. 5850-1905), the Department returned the record in said case with instructions to adjudicate the rights of the applicant, Harry Guiou, in connection with the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children as citizens of the Choctaw Nation.

The record in this case shows that the applicant, Harry Guiou, was born in about the year 1878, and is the son of Naomi Walker, a recognized and enrolled citizen by intermarriage of the Choctaw Nation, whose name appears as number 1467 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior June 12, 1905, and Frank H. Guiou, a non-citizen white man.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

OCT 4 1906

7-5688. COPY

Muskogee, Indian Territory, October 2, 1906.

Harry Guiou,

Sterrett, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the five Civilized Tribes, rendered October 2, 1906, denying the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

7-5688.

Registered.

7-5688.

COPY

Muskogee, Indian Territory, October 2, 1906.

J. B. Dickinson,

McAlester, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 2, 1906, denying the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

7-5688.

Registered.

7-5688.

Muskogee, Indian Territory, October 2, 1906.

J. C. Ralls,

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 2, 1906, denying the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

7-5688.

Registered.

7-5688.

COPY

Muskogee, Indian Territory, October 2, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 2, 1906, denying the application for the enrollment of Harry Quiou as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

7-5688.

COPY

Muskogee, Indian Territory, October 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Harry Quiou as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 2, 1906, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

2 Incl. 7-5688.

Through the

Commissioner of Indian Affairs.

COPY.

Muskogee, Indian Territory, February 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of February 13, 1907 (I.T.D. 5830, 13768-1906), requesting that the Department be advised, direct, the status of the Choctaw enrollment case of Harry Guiou, the subject of Departmental letter of January 29, 1906. If enrolled, his roll number is requested, and the Department also wishes to be informed at the same time where upon the roll of citizens of the Choctaw Nation the names of Cynthia and Rose Walker, subject of Departmental letter of April 5, 1905, may be found, and, if there are any names upon the rolls already prepared which should be stricken off under the ruling of the Department of April 24, 1906, in the case of Mary Elizabeth Martin, a report to that effect is desired immediately.

Reporting in this matter, I have the honor to advise that on March 7, 1906, the following telegram was received by this office:

> "Suspend action as to enrollment and allotments under the ruling of Department in Mary Elizabeth Martin case so far as it relates to white children. This applicable to Cynthia and Rose Walker subject of letter of April 25th last and other children similarly situated report direct names of such children whose enrollment has been approved and whether patents have issued."

March 10, 1906, in response to this telegram a full report was made as to certain persons whose names appeared upon the approved roll as citizens by blood of the Choctaw Nation who were children of parents not possessed of Indian blood. The names of these persons were as follows:

Cyrus H. Kingsberry,	15679
Ida M. Rocket,	15782
Cynthia Walker,	15861
Rose Walker,	15863

Subsequently it was ascertained that Lucy M. Littlepage, at No. 15829 upon said roll, came within this class.

I have further to report in the case of Harry Guion that, on October 2, 1906, a decision was rendered denying the application for the enrollment of Harry Guion as a citizen of the Choctaw Nation, following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, and on the same date the record herein, together with my decision, was transmitted to the Secretary of the Interior.

The name of Harry Guion has never been placed upon the approved roll as a citizen by blood of the Choctaw Nation.

November 14, 1906, this office addressed a letter to the Secretary of the Interior requesting to be advised if any action had been taken by the Department relative to these persons in order that adjustment might be made of their allotments.

Respectfully,

SIGNED Tams Bixby

MINOR Commissioner.

JP.

D. C. 11790.

DEPARTMENT OF THE INTERIOR, VER.

WASHINGTON.

I.T.D. 2632,2672,2740,2960,3264-1907.
3296,3304,3336,3374,3384,
3394,3418,3446,3482,3490,
3492,3530,3646,3654,3660,
3666,3670,3672,3692,3692,
LRS. 3880,3894,3912,3962,4042,
4084,4112,4116,4148,4194-
4200,4220,4236,4240,4242,
4286,4294,4310,4312,

February 26, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Joseph R. Collins,	June 19, 1906.
James B. Barnes, et al.,	June 19, 1906.
Fannie M. Falconer, et al.,	June 19, 1906.
Jennie Joe Turner	June 19, 1906.
Thomas Woods,	December 19, 1906.
Lista Benson,	November 6, 1906.
Amy M. Hancock, et al.,	November 15, 1906.
Daisy Crockett Coleman, et al.,	September 28, 1906.
Harry Quinn	October 2, 1906.
Lucinda M. Weeks, et al.,	November 13, 1906.
Agnes Irene Coleman, et al.,	December 20, 1906.
Lillie May Pate, et al.,	December 20, 1906.
Retha Ann Ferguson,	December 20, 1906.
Bevie Adline Seferth,	December 20, 1906.
Andrew J. Miller, et al.,	November 15, 1906.
Nellie C. Blakely, et al.,	November 14, 1906.

Title of Case.	Date of your letter of transmittal.
Overton Martin Reeds, et al.,	January 14, 1907.
John Lee Hunt,	December 20, 1906.
Kathleen Lockett,	January 12, 1907.
Thomas Rudolph Maslin,	December 20, 1906.
Mamie Dunnagan,	January 12, 1907.
William A. Gardner,	December 20, 1906.
Sophia C. Harris, et al.,	December 20, 1906.
Jesse Monroe Jones,	January 12, 1907.
Bertie Cotten, et al.,	October 4, 1906.
Maggie Irene Staleup,	November 22, 1906.
L. Everet Parks, et al.,	November 22, 1906.
Nila Florence Cochran,	October, 2, 1906.
Cleo Irene Cummings, et al.,	December 24, 1906.
Tilden J. Smith,	November 21, 1906.
Jewell Merryman,	November 21, 1906.
Jim Costilow, et al.,	December 21, 1906.
Lettie May Hickman, et al.,	December 24, 1906.
Rue Colbert, et al.,	December 21, 1906.
Matilda Florence,	June 20, 1906.
Mary Jane Folsom, et al.,	June 18, 1906.
Lee Keck, et al.,	October 20, 1906.
Magnolia Thompson,	November 21, 1906.
John Hardy Sterling, et al.,	November 23, 1906.
James Maberry Morse Jr.,	January 16, 1907.
James O. Shaw,	November 21, 1906.
Sallie Engleman, et al.,	January 16, 1907.
Fannie Pearl Beagles, et al.,	December 21, 1906.
Thomas A. Fitzgerald (Jr.)	December 21, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse R. Wilson,

Assistant Secretary.

44 inc. and
92 for Ind. Of.
A. F. McA.
2-27-07.

D. C. 11790-1907.

--Copy--

DEPARTMENT OF THE INTERIOR,

Land.
87308-1906.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of January 29, 1906 (I.T.D. 5850), there is enclosed a report from the Commissioner to the Five Civilized Tribes, relative to the application for enrollment of Harry Guion as a citizen of the Choctaw Nation.

The record shows that the applicant isthe son of Naomi Walker an enrolled citizen by intermarriage of the Choctaw Nation, and Frank H. Guion, a white man. Therefore the applicant has no Indian blood and under the provisions of the Act of June 21, 1906 (34 Stat. L., 325) and the decision of July 10, 1906, in the case of William Jesse Bacon (I.T.D. 2548), he is not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J. P. B. - EL

7-5688

Muskogee, Indian Territory, April 8, 1907.

Harry Guiou,

Sterrett, Indian Territory,

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 2, 1906, denying the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers,

Acting Commissioner.

7-5688

Muskogee, Indian Territory, April 5, 1907.

J. B. Dickerson,

McAlester, Indian Territory,

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 2, 1906, denying the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-5688

Muskogee, Indian Territory, April 5, 1907.

J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 2, 1906, denying the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-5688

Muskogee, Indian Territory, April 5, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 2, 1906, denying the application for the enrollment of Harry Guion as a citizen of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

In the enrollment of Naomi Walker as an intermarried chocktaw, being sworn and examined by Commissioner McKennon she testifies:

Q What is your name? A Naomi Walker

Q What is your age? A Forty-six

Q You present here a marriage certificate dated September 23, 1873, were you then married to Wiley E. Stewart? A Yes sir

Q He was a choctaw citizen? A Yes sir

Q How long did you live with him? A Going on five years.

Q Until he died? A No sir

Q You were separated from him? A Yes sir, he got into trouble; he is dead.

Q Was he taken off and put in prison? A Yes sir

Q And died there? A Yes sir.

Q Did you live with him until he went to prison? A No sir I was divorced from him.

Q You have since that time married a white man and a non-citizen?

Q Yes sir

Q When did you marry a white man? A In 187?

Q You are still living with him? A No sir; I was also married to Frank E. Gates in 1877; he was a white man.

Q Did you live with him until he died? A No sir.

Q Separated from him too? A Yes sir.

Q And from the last one too? A Yes sir.

Q He was a white man and a non-citizen? A Yes sir. I was married first in 1873 and the next time in 1877 to Gates, and the next time in 1883? married a white man in Ga[illegible]

Department of the Interior

Commission to the Five Civilized Tribes

I hereby [illegible] Commission that this

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 8, 1900.

Choctaw Nation

vs D 320.

Naomi Walker.

Naomi Walker, having been first duly sworn, and examined by Acting Chairman Tams Bixby, testifies as follows:

Q What is your name? A Naomi Walker.
Q How old are you? A Forty eight.
Q What is your post office address? A Durant.
Q Do you live at Durant? A No sir, I live below Durant three miles and a half.
Q How long have you lived in the Indian Territory? A My father come here in '68.
Q You have been living here ever since? A Yes sir.
Q Lived in the Indian Territory continuously ever since ? A Yes, sir, my father was a minister.
Q You are a Choctaw Indian? A Not by blood.
Q You are an intermarried citizen? A Yes sir.
Q Your husband, Rose Walker, was a Choctaw by blood? A No sir.
Q Were you ever married to a Choctaw Indian? A Yes sir.
Q When? A September 22, '72
Q What was his name? A Wyley H. Stewart.
Q Did you have any children by him? A Yes sir, had one.
Q And the children that you wish to apply for are not the children of that marriage? A No sir, they are by Mr. Walker.
Q Mr. Walker is a whiteman A Yes sir.
Q What are the names of the children? A The eldest one is Cynthia Mary Elizabeth.
Q How old is she? A She was fifteen last August.
Q What is the name of the next one? A Rose Gibson Walker.
Q How old is she? A He--
Q Is that a boy? A Yes sir, he will be twelve years old this coming February.
Q You claim that these children are Choctaws? A Well, they are not Choctaw Indian.
Q You claim that they are Choctaws? A Through marrying by law, the Choctaw law.
Q They have no Choctaw blood? A No sir.
Q Do you know whether they ever applied to the Dawes Commission for admission to citizenship in the Choctaw Nation? A Why, their father did.
Q Their father applied for them, did he? A Yes sir.
Q Do you know whether or not they were admitted to citizenship?
A Well, he was, I supposed the children was too.
Q You know nothing about it of your own knowledge? A Nothing only that he applied and he got notice that he was admitted.

Examination by Mr. Ralls.

Q At the time you and he were separated were you? A Yes sir.
Q He has since died, has he? A Yes sir.
Q These children are living with you still in the Choctaw Nation are they? A Yes sir.
Q When did he die? A The fourth of last March.
Q The fourth day of last March. The Rose Walker mentioned in the application made by your husband to the Dawes Commission in 1896, as seven years old is the identical Rose Gibson Walker that you speak of? A Yes sir.
Q And the Cynthia Walker mentioned in that application is the identical Cynthia Mary Elizabeth? A Cynthia Mary Elizabeth.

Naomi Walker-2

Q These were the only children you had by Rose Walker? A Yes sir.

Mr. Cornish: I think that such a mis-statement of facts as would demand a setting aside of the judgment your judgment now shows that the children were actually admitted as a judgment of the Commission.

Anna Bell, having been first duly sworn, on her oath states that she is stenographer to the Commissioner to the Five Civilized Tribes; she reported in full the proceedings had in the above entitled cause on the 6th day of December, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes in said cause.

Anna Bell

Subscribed and sworn to before me this 11th day of December, 1900.

[redacted]

Acting Chairman.

COPY

Know all men by these presents that I Sam Love District Judge of the Chickasaw Natich. Have this day joined together Mr Wily H. Stuart and Miss Neoma Gardner in the holy bonds of matrimony this Sept 22d 1872.

Sam Love

Wilson Colbert D.C.Jude C.N.

P & C Clerk of Panola

County C.N.

I hereby certify that the above is a true and correct copy of the marriage certificate of Wiley H. Stuart and Neoma Gardner that is on file in my office.

Given under my hand & seal of office this the 14 day of Oct 1896.

J.L.Harper Clerk of Panola

County C.N.

C O P Y.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

NAOMI WALKER ET AL., - - - -Plaintiffs,

-vs-

THE CHOCTAW NATION, - - - -Defendant.

AFFIDAVIT.

On this day personally appeared before me, the undersigned authority, NAOMI WALKER, to me personally well known, who having been by me first duly sworn according to law, states on her oath that she is 50 years of age, and is now a bona fide resident of Blue County, Choctaw Nation, and has been a resident of the Choctaw Nation during the last past 30 years.

That heretofore to-wit: on the 21 day of September, 1872, she was duly and legally married to a member by blood of the Choctaw tribe of Indians, and that afterwards, to-wit: in 1896, she filed her application before the Commission to the Five Civilized Tribes to be admitted as an intermarried citizen, and that the application of her two children, to-wit: Dollie C. M. Walker and Rose G. Walker was filed, and that the said Commission admitted the affiant and her two children, admitting them in separate judgments.

Affiant states that she is still entitled to be enrolled as an intermarried citizen, and that her said children are entitled to be enrolled as members of the Choctaw tribe of Indians, and that she makes this affidavit to explain why, if necessary, she did not appear before the Commission at Ataka. Said affiant says that she went to Ataka for the purpose of appearing before said Commission on the 19th day of November, 1902, and that a great many numbers had been given out, and that she was informed by many persons that the Commission would not be able to hear the applications of the persons who had already received numbers; that she returned to her home at Durant, expecting

to return on the 21st of November, but that she failed to get back to Atoka on that day; and affiant says that she is informed that if she had been in Atoka she would not have had a chance to have a hearing on account of the great crowd, and for the further reason that she is informed that the Commission would not hear the evidence of persons situated as she is, her case being contested by the Choctaw Nation.

Naomi Walker.

Subscribed and sworn to before me on this the 28 day of November, A. D., 1902.

E. Schlegel,

Notary Public.

(SEAL)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
FEB 4 1903

Tams Bixby, Acting Chairman.

7-D-320

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory February 13, 1903.

In the matter of the application for the enrollment of Naomi Walker as a citizen by intermarriage of the Choctaw Nation.

Said Naomi Walker, being first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Naomi Walker.
Q How old are you? A I'm fifty, fifty my last birthday.
Q What is your postoffice address? A Durant.
Q That is in the Choctaw Nation? A Yes sir.
Q How long have you resided in the Choctaw Nation? A Well, I've resided in the Choctaw and Chickasaw country for about 34 years; my father come here in '68.
Q You have lived in those nations continuously since 1868? A Yes sir.
Q Are you a white woman? A Yes sir.
Q You make no claim to enrollment as a citizen by blood of any tribe, do you? A No sir.
Q You claim to be an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom you claim this right? A Wyley H. Stewart.
Q Was he a recognized and enrolled citizen of the Choctaw Nation? A Well, he was recognized as a Choctaw citizen; of course he wasn't alive when the Dawes enrollment come here.
Q During his life he was always recognized as a citizen? A Yes sir.
Q When were you married to him? A In 1872, September 22 or 23, 1872.
Q Where was this marriage ceremony performed? A On Red River at Judge Sam Love's house.
Q In the Choctaw Nation? A No sir, in the Chickasaw Nation; I lived in the Choctaw Nation but we had to go there to the Judge.
Q Did you obtain a license for the marriage? A No sir, there wasn't no license then.
Q There was no means of procuring a license at that time? A No sir.
Q Who married you? A Judge Love.
Q Was he an official of the Chickasaw Nation? A Yes sir.
Q He gave you a certificate? A Yes sir, you have a certificate from the Clerk here somewhere.
Q Were you ever married before your marriage to Wyley H. Stewart? A Yes sir.
Q How many times before? A Well, I was just married once but that marriage was null and void.
Q What was the name of your first husband? A Smith.

Q His full name? A I believe Jesse B. Smith--I only lived with him one month.
Q Was he a white man? A Yes sir.
Q When were you married to him? A Well, it was in the Spring of 1869.
Q How long did you live with him? A About a month.
Q You separated? A He married me and had another wife and when the law taken place here the law took force of it and his wife sent her son to the Judge that married me and Judge Colbert mulled and void the marriage.
Q At the time of your marriage to him he had another wife living, from whom he hadn't been divorced? A Yes sir.
Q You left him as soon as you found this out? A Yes sir.
Was Wyley H. Stewart ever married before his marriage to you? A No sir.
Q After your marriage to Mr. Stewart how long did you live together continuously as husband and wife? A Four years.
Q What happened at the end of that time--did you separate or did he die? A He killed a man and went to the penitentiary and of course that separated us--he's dead though.
Q Did you procure a divorce from him? A Yes sir.
Q That was after he was sent to the penitentiary? A No sir, he wasn't gone to the penitentiary before I got a divorce, but they sent him to the penitentiary.
Q What were the grounds upon which you got that divorce? A I don't know as I can tell you, but it was rapery.
Q You obtained the divorce? A Yes sir, at Tishomingo.
Q After your separation from Wyley H. Stewart did you remarry?
A Yes sir.
Q What was the name of your next husband? A Henry Guion.
Q He was a white man? A Yes sir.
Q Possessed of no Indian blood? A No sir, but he got license when he married me.
Q When were you married to him? A In 1877.
Q He obtained a tribal license? A Yes sir.
Q Where did he get that license? A Colbert Station.
Q From the Chickasaw tribal authorities? A Yes sir--Kingsberry was the County Judge.
Q How long did you live with this man Guion? A Two years.
Q Did you separate from him? A Yes sir.
Q Did you obtain a divorce? A Yes sir, I can present it--I think I can.
Q Then after your separation from him, did you marry again?
A Yes sir, Mr. Walker.
Q Your present husband? A Yes sir.
Q Are you still living with him? A No sir.
Q When did you marry him? A In 1882.
Q Was he a white man? A Yes sir, he got a license.
Q He was possessed of no Indian blood? A No sir.
Q He get a tribal license? A Yes sir.
Q Who did he obtain the license from? A Well, he got it from the Supreme Judge.
Q Of the Choctaw Nation? A Yes sir.
Q Were you married in the Choctaw Nation to Mr. Walker? A Yes sir.
Q After your marriage to him how long did you live together as husband and wife? A Well, he stayed there for about three years.

Q There was no separation during his life? A Yes sir, we were separated when he died.
Q You have not remarried since his death? A No sir.

There is offered in evidence , marked "Exhibit A" and made a part of the record in this case, marriage license issued by the Supreme Judge of the 3rd Judicial District of the Choctaw Nation to Rose Walker and Mrs. Naomi E. Guiou, and attached thereto is the certificate of J. J. Gardner to the effect that on November 9,1882,he united the above named parties in marriage.

Q Have you any children? A Yes sir, I have three; I have one by Mr. Guiou and two by Mr. Walker; I had one by Mr. Stewart but it died.
Q Do you make claim for the enrollment of any of these children ? A I did for my oldest one, by Mr. Guiou, to the Commissioners and they told me to wait until my rights were settled, so Mr. Walker made application and put the other two on , but this being a step-child was left out.
Q What are the names of your two children by Mr. Walker? A One is Cynthia.
Q What is the name of the other one? A Rose.
Q Both of these children are living now? A Yes sir.
Q Did you ever make application to this Commission in 1896 for admission to citizenship in the Choctaw Nation? A Well, I will show you something.

The applicant has in her possession a certificate from the Secretary of the Commission to the Five Civilized Tribes,dated Fort Smith, Arkansas, December 3, 1896,stating that the application of Naomi Walker vs. the Choctaw Nation,Choctaw case No.516,has been granted.

Q At that time your children were also applicants, were they, in 1896? A Yes sir, them two.

The applicant also has in her possession certificate of the Secretary of the Commission to the Five Civilized Tribes,dated Fort Smith, Arkansas,December 3, 1896,stating that the application of Rose Walker, et al. vs. the Choctaw Nation,Choctaw case No.502,has been granted by the Commission.

Since your admission to citizenship in 1896 have you continued to reside in the Choctaw Nation? A Yes sir, I have never been anywhere else only in the Choctaw and Chickasaw.

Naomi Walker-4

Q You are at present a bona fide resident of the Choctaw Nation?
A Yes sir, ever since in '68 I have never made my home nowheres else.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, February 13, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Miles

Subscribed and sworn to before me this the 13th day of February, 1903.

Charles McIlvaine

Notary Public.

C O P Y.

Whereas, the application having been made to me by Rose Walker a citizen of the United States for License to be joined in marriage to one Mrs. Neemi E. Guion a citizen of the Choctaw Nation as the law directs,

Therefore, I do hereby grant the applicant (Dr. Rose Walker) License to marry said Mrs. Guion a citizen of said Nation according to Statutes of the Choctaw Nation, and that any person who are authorized by law, are hereby requested to join said parties in bond of matrimony.

Given under my hand this 4th day of Nov. A. D. 1882.

J. P. Turnbull,

Sup.Judge of 3d Judicial Dist.,

Choctaw Nation.

This is to certify that I have this day married the above named people on the 9th Nov. 82 in Blue Co. Choctaw Nation.

J. J. Gardner, L. D.

------o------

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D,
FEB 13 1903
Tams Bixby, Acting Chairman.

L.G.D.

7 D 320

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Naomi Walker as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Cynthia Walker and Rose Walker as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the census card and other records in this case that Naomi Walker appeared before this Commission at Durant, Indian Territory, August 15, 1899, and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation and for the enrollment of her two minor children, Cynthia Walker and Rose Walker, as citizens of the Choctaw Nation. Further proceedings were had in the matter of this application at Atoka, Indian Territory, December 6, 1900, and at Muskogee, Indian Territory, February 13, 1903.

It further appears from the records in the possession of the Commission that on September 7, 1896, in the case entitled "Naomi Walker vs. the Choctaw Nation" (1896 Choctaw Docket "C", number 515) the applicant, Naomi Walker, made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for admission to citizenship in the Choctaw Nation, claiming her rights thereto by virtue of her marriage with Wyley H. Stewart, a recognized and enrolled citizen by blood of the Choctaw Nation, and on December 2, 1896, the said Naomi Walker was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage of said nation, from which decision of the Commission no appeal was taken.

It is also found from the records in the possession of the Commission that on September 9, 1896, in the case entitled "Rose Walker, et al., vs. the Choctaw Nation" (1896 Choctaw Docket "C", number 502) original application was made for applicants Cynthia Walker and Rose Walker under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for their admission to citizenship in the Choctaw Nation, alleging as a reason for their right to such admission that they were descendants of Naomi Walker, an intermarried citizen of the Choctaw Nation, and on December 2, 1896, the said Cynthia Walker and Rose Walker were by this Commission admitted to citizenship in the Choctaw Nation, from which decision of the Commission no appeal was taken.

The evidence in this case further shows that the applicants herein were residents in good faith of Indian Territory on June 28, 1898; that the principal applicant herein had been a resident of said Territory for more than thirty years prior thereto;

and that the minor applicants herein were born in Indian Territory, and had always lived in said Territory.

It further appears from the proceedings had in the matter of this application at Muskogee, Indian Territory, February 13, 1903, that the status of the said Naomi Walker as a citizen by intermarriage of the Choctaw Nation remained unchanged from the date of her admission as such in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Naomi Walker should be enrolled as a citizen by intermarriage of the Choctaw Nation, and that Cynthia Walker and Rose Walker should be enrolled as citizens of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

COMMISSIONER.

COMMISSIONER.

COMMISSIONER.

Muskogee, Indian Territory,

JUL 30 1903

Choctaw-D-320.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Naomi Walker,

Durant, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application for the enrollment of Naomi Walker as a citizen by intermarriage, and of her children, Cynthia Walker and Rose Walker as citizens by blood, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. KBC. 8/30.

Choctaw-D-300.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application for the enrollment of Naomi Walker, as a citizen by intermarriage, and of Cynthia Walker and Rose Walker as citizens by blood, of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.
Enc. Ltr. 6/30

Muskogee, Indian Territory, February 13, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith, for the consideration of the Department, the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children, Cynthia and Rose Walker, as citizens of the Choctaw Nation, together with the decision of the Commission of July 30, 1903, granting said application, and the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, which was filed with the Commission on February 6, 1904, in which they request, under authority granted by the Secretary of the Interior in his letter of November 18, 1903, (I.T.D. 7122-1903) that final decision in the matter of the enrollment of Cynthia and Rose Walker as citizens of the Choctaw Nation be postponed until the action of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al. versus the Choctaw and Chickasaw nations.

Respectfully,

AB 2-13
Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Choctaw 5688

Muskogee, Indian Territory, February 13, 1904.

Naomi Walker,

Durant, Indian Territory,

Dear Madam:

You are hereby notified that on February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations filed a protest to the enrollment of your children, Cynthia and Rose Walker, as citizens of the Choctaw Nation, in which they request that final decision therein be postponed until the action of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al. versus the Choctaw and Chickasaw Nations, and the record in this case, together with the protest of the attorneys for the nations, above referred to, and the decision of the commission granting said application, has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-5688.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation.

D E C I S I O N :

The Department in its letter of April 5, 1905 (I.T.D. 5134-1904), stated that from an examination of the testimony of Naomi Walker taken in the matter of her application for enrollment as a citizen by intermarriage of the Choctaw Nation, that the inquiries propounded to her developed that a former application had been made on behalf of the applicant, Harry Guiou, and directed that further testimony be taken touching the right of said Harry Guiou to enrollment as a citizen of the Choctaw Nation.

On May 3, 1906, proceedings were had in the matter of the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation, and on May 5, 1905, the same was forwarded to the Department, to gether with a report therein.

January 29, 1905 (I.T.D. 5850-1905), the Department returned the record in said case with instructions to adjudicate the rights of the applicant, Harry Guiou, in connection with the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children as citizens of the Choctaw Nation.

The record in this case shows that the applicant, Harry Guiou, was born in about the year 1878, and is the son of Naomi Walker, a recognized and enrolled citizen by intermarriage of the Choctaw Nation, whose name appears as number 1467 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior June 12, 1905, and Frank H. Guiou, a non-citizen white man.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Muskogee, Indian Territory,
SEP 2 1906

Commissioner.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Naomi Walker as an intermarried Choctaw; being sworn and examined by Commissioner McKennon she testifies:

Q What is your name? A Naomi Walker
Q What is your age? A Forty-six
Q You present here a marriage certificate dated September 22, 1872, were you then married to Wiley H. Stewart? A Yes sir.
Q He was a Choctaw citizen? A Yes sir.
Q How long did you live with him? A Going on five years.
Q Until he died? A No sir.
Q You were separated from him? A Yes sir, he got into trouble; he is dead.
Q Was he taken off and put in prison? A Yes sir.
Q And died there? A Yes sir.
Q Did you live with him until he went to prison? A No sir I was divorced from him.
Q You have since that time married a white man and a non-citizen?
A Yes sir.
Q When did you marry a white man? A In 1877.
Q You are still living with him? A No sir; I was also married to Frank H. Guion in 1877; he was a white man.
Q Did you live with him until he died? A No sir.
Q Separated from him too? A Yes sir.
Q And from the last one too? A Yes sir.
Q He was a white man and a non-citizen? A Yes sir. I was married first in 1872 and the next time in 1877 to Guion, and the next time in 1882; married a white man in '82 also.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) M. D. Green.

Reed Walker was admitted by Dawes Commission in 1896; Choctaw Case #516: No appeal.

Synthia Walker -----Daughter, 15 years old

Rose Walker,--------Son, 13 years old,

were admitted by Dawes Commission in 1896: Choctaw Case #508: No appeal.

Muskogee, Indian Territory, February 2, 1901.

J. G. Wells,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 26th instant in which you request to be furnished with a copy of the evidence in the matter of the application of Naomi Walker, and her two children for enrollment as citizens of the Choctaw Nation, also the number of the cases wherein these parties were admitted to citizenship by the Commission under the act of Congress of June 10th, 1896.

Replying to your request there is enclosed you herewith a copy of the records of the Commission in the matter of the application of Naomi Walker and her children for enrollment as citizens of the Choctaw Nation.

Mrs. Walker was admitted to citizenship in the Choctaw Nation by judgment of the Commission to the Five Civilized Tribes under the act of June 10th, 1896 as an intermarried citizen in Choctaw case No. 316 and her two children, Cynthia and Rose Walker were admitted as citizens by blood in Choctaw case No. 307 of dockets filed under the act of Congress of June 10th, 1896.

Please sign and return the enclosed receipt to this office.

Yours truly,

SIGNED Tams Bixby
Acting Chairman.

1-2-32

Choctaw D 320

Muskogee, Indian Territory, October 11, 1902.

C. W. James,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 2, stating that one Rose Walker has enrolled his two children, a boy, Rose Walker, and a girl, Dollie Walker, and you state that they are not Indians, and ask to be advised if they are on the rolls.

In reply to your letter you are informed that it appears that Naomi Walker, an intermarried citizen, the wife of Rose Walker, a non citizen, and their two minor children, Cynthia and Rose Walker, have been listed for enrollment upon the list of doubtful claimants to enrollment in the Choctaw Nation. No decision nor opinion has yet been rendered relative to their final rights to enrollment.

Respectfully,

SIGNED T. B. Needles

Commissioner in Charge.

Choctaw D 320.

Muskogee, Indian Territory, October 11, 1902.

C. W. James,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 8, stating that one Rose Walker has enrolled his two children, a boy, Rose Walker, and a girl, Dollie Walker, and you state that they are not Indians, and ask to be advised if they are on the rolls.

In reply to your letter you are informed that it appears from our records that Naomi Walker, an intermarried citizen, the wife of Rose Walker, a non citizen, and their two minor children, Cynthia and Rose Walker, have been listed among the doubtful applicants for enrollment in the Choctaw Nation. No decision nor opinion has yet been rendered relative to their final rights to enrollment as citizens of said nation.

Respectfully,

SIGNED T. B. Needles

Commissioner in Charge.

Choctaw D 390

Muskogee, Indian Territory, February 4, 1903.

J. C. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 16, inclosing affidavit of Naomi Walker to be filed in her case and stating that if necessary she can appear before the Commission and make her statements in person.

In reply to your letter, you are advised that the affidavit forwarded by you has been filed with the record in this case, but it will be necessary for Naomi Walker to appear in person before the Commission for the purpose of giving testimony relative to her status on September 25, 1902, as until the same is received no further consideration can be given her application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby,

Acting Chairman.

7-5688

Muskogee, Indian Territory, August 23, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 18th inst., requesting to be advised if the record in the matter of the application of Naomi Walker, for enrollment as an intermarried Choctaw, and her two children, Rose and Dolly, has been forwarded to the Secretary of the Interior for approval, and whether or not he has passed on the case.

You are advised it appears from our records that the record in the matter of the application of Naomi Walker for enrollment as a citizen by intermarriage of the Choctaw Nation, and her two children, Cynthia and Rose Walker, was forwarded to the Department of the Interior some time since, but no action has yet been taken thereon by the Department.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Cheetaw 5888

Muskogee, Indian Territory, December 2, 1904.

J. B. Dickinson,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 28, asking the status of the application of Naomi Walker for enrollment as an intermarried citizen of the Cheetaw nation.

In reply to your letter you are advised that the record in this case is now pending before the Department and as soon as the Commission is notified of action taken the applicants will be notified.

Respectfully,

SIGNED Tams Bixby.

7-5688

Muskogee, Indian Territory, January 25, 1905.

J. G. Ralls,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 21, 1905, asking if the Secretary of the Interior has approved the decision of the Dawes Commission in the matter of the application of Naomi Walker for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that on February 13, 1904, the record in the matter of the application of Naomi Walker for the enrollment of her children Cynthia and Rose Walker as citizens of the Choctaw Nation was forwarded to the Secretary of the Interior together with the decision of the Commission of July 30, 1903 enrolling said applicants and the protest of the attorneys for the Choctaw and Chickasaw Nations of January 23, 1904, and the Commission has not yet been advised of Departmental action thereon.

Respectfully,

SIGNED Tams Bixby.

Chairman.

DEPARTMENT OF THE INTERIOR,

I.T.D 2134-1904.
LRS

J.W.M.
WHB.

Washington, April 5, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 13, 1904, you transmitted the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children, Cybthia M. E. and Rose C. Walker, as citizens of the Choctaw Nation, together with your decision of July 30, 1903, granting said application.

The facts as to these applicants appear as follows: Naomi Walker is a white woman and has resided in the Indian Territory continuously since 1868. In 1869 the ceremony of marriage was performed between her and Jesse B. Smith, a white man. Thereafter it developed that Smith was a married man at the time this ceremony with Naomi Walker was performed. As a result the attempted marriage was declared null and void. In 1872 the applicant married Wiley M. Stewart (or Stuart), a recognized and enrolled citizen by blood of the Choctaw Nation. She was a resident of the Choctaw Nation at the time of this marriage. The ceremony was performed, however, in the Chickasaw Nation, and not in accordance with a license procured from said Nation. After four years of married life, owing to the

criminal character of her husband she obtained a divorce from him and in 1887 remarried. Of this marriage, which was with a white man named Frank H. Guion, there was born one child, not, however, an applicant herein. A divorce was also obtained from Guion. Thereafter the principal applicant married a non-citizen named Rose Walker, under a license issued November 4, 1892, by J. P. Turnbull, Supreme Judge of the Third Judicial District of the Choctaw Nation. In this license signed by said judge the applicant is described as "a citizen of the Choctaw Nation." To Mr. and Mrs. Walker were born a son Rose, and a daughter Cynthia Walker. They are the minor applicants mentioned herein.

It appears that all of the applicants were admitted to citizenship by your Commission under the act of June 10, 1896, and that no appeal was taken in their cases. In your decision of July 30, 1903, you ordered that Naomi Walker be enrolled as a citizen by intermarriage of the Choctaw Nation, also that Cynthia and Rose Walker be enrolled as citizens thereof.

In a report rendered June 30, 1904, a copy of which is inclosed, the Indian Office recommended that your action be approved.

It was held in a recent opinion of the Assistant Attorney General relative to the application of Benjamin F. Vaughan et al, that intermarriage with enrolled citizens of

the Choctaw and Chickasaw Nations is equivalent to the enrollment of such intermarried persons as of the date of their marriage. It follows that Naomi Walker, and of course her children born to her in said nation after said marriage, were recognized citizens at the time your Commission took jurisdiction in their case under the act of June 10, 1896. That they were such citizens is true, notwithstanding the marriage of Naomi Walker to Wiley Stewart was performed in the Chickasaw Nation not under a tribal license issued by it. See Departmental decision of August 29, 1904, in the Choctaw case of Ella Jones. Being without jurisdiction, the proceedings had in 1896 are without force and effect. Under the facts stated, however, the principal applicant and her children are entitled, under the Curtis Act and the Choctaw-Chickasaw agreement, to enrollment. Your decision in favor of Naomi Walker and her children Cynthia N. E. and Rose Gibson Walker is therefore affirmed.

It is noted that the record contains reference to a third child of Mrs. Walker, born to her when she was the wife of Mr. Guion. Relative to this child the inquiries propounded to Mrs. Walker developed that a former application had been made on behalf of said child, and that the Commissioners to whom application was made advised Mrs. Walker to wait until her rights were settled. The result was the application was left incomplete for her children, except as to the two born

to her as the wife of Mr. Walker; the other "being a step-child was left out". Inasmuch as Mrs Walker has testified under oath before your Commission that a previous application was made for this child, it is considered, in order that its rights, if any, may be safeguarded, that further testimony should be taken in the matter, particularly as the child is apparently entitled in every respect to all the rights to which its half-brother and sister are herein accorded. In this connection see departmental letter of October 3, 1904, directing you to receive the application of Anna L. Dendy for the enrollment of her minor child, in reference to whom proceedings were initiated by letter requesting blank form of application for enrollment of infant child.

You are requested to advise the parties in interest hereof. The record in the case is returned herewith.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

2 inclosures.

C O P Y.

Refer in reply
to the following:
Land 18686-1904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, June 20, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

July 30, 1903, the Commission to the Five Civilized Tribes transmitted the record relative to the application of Naomi Walker for the enrollment of herself and her two minor children, Cynthia and Rose Walker.

February 13, 1904, the Commission transmitted a request from the attorneys for the Choctaw and Chickasaw Nations, that final action be not taken in this case until after the Choctaw-Chickasaw citizenship court shall have passed upon the case of Joanna Mickle et al., vs the Choctaw Nation, stating that in the Mickle case the court will pass upon questions similar to those involved in this case. The papers in the case were transmitted to the Department March 14, 1904, and were returned March 18.

From the records of this office it does not appear that the citizenship court has yet passed upon the Mickle case, but in view of the Department's action of June 10, 1904, (I. T. D. 1610), in the Andrew B. Pollock case, and considering Department telegram of the 7th instant to the Commission to

the Five Civilized Tribes, copy of which was furnished this Office with letter of June 10, 1904 (I.T.D.4618), there does not seem to be any reason why this case should be finally adjudicated.

I therefore have the honor to enclose the record pertaining to the applicants mentioned. It is shown by the recprd in the case that in 1896, Naomi Walker applied to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation, in accordance with the provisions of the act of June 10, 1896. She claimed right to enrollment by virtue of her marriage to Wiley H. Stewart, a recognized and enrolled citizen of the Choctaw Nation. On December 2, 1896, the Commission held that she was entitled to enrollment and no appeal was taken from that decision.

The record also shows that in 1896 Rose Walker at al., appliedfor enrollment as citizens of the Choctaw Nation; that the Commission decided that Cynthis Walker and Rose Walker, minor children of the principal applicant, Naomi Walker, were entitled to citizenship in the Choctaw Nation, from which decision no appeal was taken.

The principal applicant in this case was first married to Jesse E. Smith, a white man. She lived with him about one month. Soon after her marriage to said Smith, she discovered that she had a wife living from whom he was not divorced, and they separated. This marriage occurred in the spring of

1869.

September 22, 1872, she was married to Wiley H. Stewart, a Choctaw. They lived together about four years and were divorced. Wiley H. Stewart, sometime after the divorce, was sent to prison, where he died.

In 1877 the principal applicant married Frank H. Guion, a white man, from whom she was divorced about two years later. In 1882, she married Rose Walker, a white man. They lived together about three years and separated. Cynthia and Rose Walker are minor children of the principal applicant by her last named husband.

July 30, 1903, the Commission decided that all of the applicants were entitled to enrollment as citizens of the Choctaw Nation. Under the decision of the United States court for the Central District of the Indian Territory, in the case of F. R. Robinson vs. the Choctaw Nation, it would seem that the decision of the Commission is correct, although none of the applicants are of Indian blood. Naomi Walker is a white woman and the two minors are her children by her white husband, Rose Walker. In the case mentioned, which was almost identical with the case under consideration, the court said:

> "I also hold that the offsprings of such marriage would be entitled to enrollment. The father being a lawful citizen, his children would follow his citizenship."

In view of the record, and considering the holding

of the United States Court in the Robinson case, approval of the Commission's decision is recommended.

Very Respectfully,

A. C. Tanner,

Acting Commissioner.

ACT-D

J.W.H.

DEPARTMENT OF THE INTERIOR.

WASHINGTON. April 5, 1905.

I.T.D. 5134-1904.

L.RS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 13, 1904, you transmitted the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children, Cynthia M.E. and Rose C. Walker, as citizens of the Choctaw Nation, together with your decision of July 30, 1903, granting said application.

The facts as to these applicants appear as follows: Naomi Walker is a white woman and has resided in the Indian Territory continuously since 1868. In 1869 the ceremony of marriage was performed between her and Jesse B. Smith, a white man. Thereafter it developed that Smith was a married man at the time this ceremony with Naomi Walker was performed. As a result the attempted marriage was declared null and void. In 1872 the applicant married Wiley H. Stewart (or Stuart), a recognized and enrolled citizen by blood of the Choctaw Nation. She was a resident of the Choctaw Nation at the time of this marriage. The ceremony was performed, however, in the Chickasaw Nation, and not in accordance with a license procured from said

nation. After four years of married life, owing to the criminal character of her husband she obtained a divorce from him and in 1887 remarried. Of this marriage, which was with a white man named Frank H. Guiou, there was born one child, not, however, an applicant herein. A divorce was also obtained from Guiou. Thereafter the principal applicant married a non-citizen named Rose Walker, under a license issued November 4, 1882, by J. P. Turnbull, Supreme Judge of the Third Judicial District of the Choctaw Nation. In this license signed by said judge the applicant is described as "a citizen of the Choctaw Nation." To Mr. and Mrs. Walker were born a son Rose, and a daughter Cynthia Walker. They are the minor applicants mentioned herein.

It appears that all of the applicants were admitted to citizenship by your Commission under the act of June 10, 1896, and that no appeal was taken in their case. In your decision of July 30, 1903, you ordered that Naomi Walker be enrolled as a citizen by intermarriage of the Choctaw Nation, also that Cynthia and Rose Walker be enrolled as citizens thereof.

In a report rendered June 30, 1904, a copy of which is is enclosed, the Indian Office recommended that your action be approved.

It was held in a recent opinion of the Assistant Attorney General relative to the application of Benjamin F. Vaughan et al., that intermarriage with enrolled citizens of

the Choctaw and Chickasaw Nations is equivalent to the enrollment of such intermarried persons as of the date of their marriage. It follows that Naomi Walker, and of course her children born to her in said nation after said marriage, were recognized citizens at the time your Commission took jurisdiction in their case under the act of June 10, 1896. That they were such citizens is true, notwithstanding the marriage of Naomi Walker to Wiley Stewart was performed in the Chickasaw Nation not under a tribal license issued by it. See departmental decision of August 29, 1904, in the Choctaw case of Ella Jones. Being without jurisdiction, the proceedings had in 1896 are without force and effect. Under the facts stated, however, the principal applicant and her children are entitled, under the Curtis Act and the Choctaw-Chickasaw agreement, to enrollment. Your decision in favor of Naomi Walker and her children Cynthia M.E. and Rose Gibson Walker is therefore affirmed.

It is noted that the record contains reference to a third child of Mrs. Walker, born to her when she was the wife of Mr. Guion. Relative to this child the inquiries propounded to Mrs. Walker developed that a former application had been made on behalf of said child, and that the Commissioners to whom application was made advised Mrs. Walker to wait until her

rights were settled. The result was that the application was left incomplete for her children, except as to the two born to her as the wife of Mr. Walker; the other "being a step-child was left out." Inasmuch as Mrs. Walker has testified under oath before your Commission that a previous application was made for this child, it is considered, in order that its rights, if any, may be safeguarded, that further testimony should be taken in the matter, particularly as the child is apparently entitled in every respect to all the rights to which its halfbrother and sister are herein accorded. In this connection see departmental letter of October 3, 1904, directing you to receive the application of Anna L. Dendy for the enrollment of her minor child, in reference to whom proceedings were initiated by letter requesting blank form of application for enrollment of infant child.

You are requested to advise the parties in interest in hereof. The record in the case is returned herewith.

Respectfully,

Thos. Ryan.
Acting Secretary.

2 inclosures.

7-5688

Muskogee, Indian Territory, July 18, 1905.

W. L. Bates,

Robbersroost, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 8, 1905, in which you ask how Naomi Walker and her children were enrolled as citizens of the Choctaw Nation; you state that Mrs. Walker was a United States citizen who was first married to a Choctaw Indian then she married Frank H. Guiou who was the father of Harry Guiou and subsequently married a man citizen named Rose Walker and that the two Walker children and Harry Guiou are white children and that if the two Walker children are enrolled it would appear that Harry Guiou is also entitled to enrollment and many others; you therefore ask for information in regard to this matter.

In reply to your letter you are advised that in 1896 the Commission to the Five Civilized Tribes admitted Naomi Walker as an intermarried citizen of the Choctaw Nation and her children Cynthia and Rose Walker also as citizens of said nation and no appeal was taken from this decision to the United States Court in Indian Territory in accordance with the provisions of the act of Congress approved June 10, 1896.

W. L. B. #2

It does not appear from the records of this office that Harry Guiou was included in the petition of the Commission to the Five Civilized Tribes in 1896.

It further appears that on July 30, 1903, the Commission to the Five Civilized Tribes rendered its decision granting the application of Naomi Walker and her children Cynthia and Rose Walker for enrollment as citizens of the Choctaw Nation and on February 13, 1904, this decision, together with the protest of the attorneys for the Choctaw and Chickasaw Nations was forwarded the Secretary of the Interior.

On April 5, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of July 30, 1903, and directed that an investigation be made as to the claim of Harry Guiou to enrollment as a citizen of the Choctaw Nation and for your information there is inclosed herewith a copy of such Departmental letter.

Respectfully,

Commissioner.

EB 1-18

REFER IN REPLY TO THE FOLLOWING:
7-5688

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(137

Muskogee, Indian Territory, April 5, 1907.

J. B. Dickerson,

McAlester, Indian Territory,

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of October 2, 1906, denying the application for the enrollment of Harry Guiou as a citizen of the Choctaw Nation.

Respectfully,

Tams Bixby

Acting Commissioner.

7-5688

Muskogee, Indian Territory, May 5, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to acknowledge receipt of Departmental letter of April 5, 1905 (I T D 5134-1904) accompanied by a report of the Acting Commissioner of Indian Affairs of June 20, 1904 (Land 18686-1904) affirming the decision of the Commission of July 30, 1903, enrolling Naomi Walker and her two children, Cynthia M. E. and Rose Gibson Walker, as citizens of the Choctaw Nation.

The Department, in its letter of April 5, 1905, calls attention to the fact that the record contains reference to a third child of Mrs. Walker, born to her when she was the wife of Mr. Guion; and in reference thereto states as follows:

"Relative to this child the inquiries propounded to Mrs. Walker developed that a former application had been made on behalf of said child, and that the Commissioners to whom application was made advised Mrs. Walker to wait until her rights were settled. The result was that the application was left incomplete for her children, except as to the two born to her as the wife of Mr. Walker; the other being a step-child was left out. Inasmuch as Mrs. Walker has testified under oath before your Commission that a previous application was made for this child, it is considered, in order that its rights, if any, may be safeguarded, that further testimony should be taken in the matter, particularly as the child is apparently entitled in every respect to all the rights to which its half brother and sister are herein accorded."

On April 18, 1905, Naomi Walker, at Durant, Indian Territory, J. G. Ralls, at Atoka, Indian Territory, and J. B. Dickinson, at

South McAlester, Indian Territory, who appear as her attorneys of record, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, were informed of the Department's desires in this matter and were advised that the Commission would, at its office at Muskogee, Indian Territory, on Wednesday, May 3, 1905, hear such testimony as might be presented tending to show that the child of Mrs. Walker by her former husband, Frank H. Guiou, is entitled to enrollment as a citizen of the Choctaw Nation.

A hearing was had in this matter at the general office of the Commission at Muskogee, Indian Territory, on May 3, 1905, and Naomi Brown (Naoma Walker), and Harry Guiou, her child by her marriage to Frank H. Guiou, testified in reference to the right of the latter to enrollment as a citizen of the Choctaw Nation, the applicant being represented by V. Hicks, who appeared on behalf of J. G. Ralls, of Atoka, Indian Territory, one of the attorneys for the applicant, and the Choctaw and Chickasaw Nations being represented by W. H. Moore, an employe of Mansfield, McMurray & Cornish.

I now have the honor to transmit herewith, for Departmental consideration, the proceedings had in this matter in conformity with Departmental instructions of April 5, 1905.

Respectfully,

Choctaw 5686

Through the Commissioner of Indian Affairs.

Commissioner in Charge.

SECRETARY'S OFFICE

DEPARTMENT OF THE INTERIOR

WASHINGTON, D.C.

G.R.

I.T.D.5134-1904
5880-1905
D.C. 4261-1906.

January 29, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is returned to you report and additional proceedings had May 5, 1905, in pursuance of departmental instructions of April 5, 1905, relative to the right of Harry Guion to enrollment as a citizen of the Choctaw Nation.

You are requested to adjudicate the case in connection with the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children, Cynthia M.E. and Rose G. Walker, as citizens of the Choctaw Nation, who were declared to be entitled to enrollment as such by the decision of the Commission to the Five Civilized Tribes of July 29, 1903, which was affirmed by the Department on April 5, 1905 (I.T.D. 5134-1904).

Respectfully,

Thos Ryan,

1 inclosure,

First Assistant Secretary

SECRETARY'S OFFICE

DEPARTMENT OF THE INTERIOR

WASHINGTON, D.C.

C.R.

I.T.D.5134-1904.
5080-1905.
D.C. 4261-1905.
L.R.S.

January 29, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is returned to you report and additional proceedings had May 8, 1905, in pursuance of departmental instructions of April 5, 1906, relative to the right of Harry Quien to enrollment as a citizen of the Choctaw Nation.

You are requested to adjudicate the case in connection with the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children, Cynthia M.E. and Rose G. Walker, as citizens of the Choctaw Nation, who were declared to be entitled to enrollment as such by the decision of the Commission to the Five Civilized Tribes of July 20, 1903, which was affirmed by the Department on April 5, 1906 (I.T.D. 5134-1904).

Respectfully,

Thos Ryan,

First Assistant Secretary.

1 inclosure.

SECRETARY'S OFFICE

DEPARTMENT OF THE INTERIOR

WASHINGTON, D.C.

G.R.

I.T.D.5134-1904
5880-1905
D.C. 4261-1905.
L.R.S.

January 29, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is returned to you report and additional proceedings had May 5, 1905, in pursuance of departmental instructions of April 5, 1905, relative to the right of Harry Guion to enrollment as a citizen of the Choctaw Nation.

You are requested to adjudicate the case in connection with the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children, Cynthia N.E. and Rose G. Walker, as citizens of the Choctaw Nation, who were declared to be entitled to enrollment as such by the decision of the Commission to the Five Civilized Tribes of July 20, 1903, which was affirmed by the Department on April 5, 1905 (I.T.D. 5134-1904).

Respectfully,

Thos Ryan,

First Assistant Secretary

1 inclosure.

SECRETARY'S OFFICE

DEPARTMENT OF THE INTERIOR

WASHINGTON, D.C.

G.R.

I.T.D.5134-1904
5850-1905
D.C. 4261-1905.

January 29, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is returned to you report and additional proceedings had May 5, 1905, in pursuance of departmental instructions of April 8, 1905, relative to the right of Harry Guion to enrollment as a citizen of the Choctaw Nation.

You are requested to adjudicate the case in connection with the record in the matter of the application of Naomi Walker for the enrollment of herself and her two children, Cynthia M.E. and Rose G. Walker, as citizens of the Choctaw Nation, who were declared to be entitled to enrollment as such by the decision of the Commission to the Five Civilized Tribes of July 30, 1903, which was affirmed by the Department on April 8, 1905 (I.T.D. 5134-1904).

Respectfully,

Thos Ryan,

1 inclosure.

First Assistant Secretary

JP.

D. C. 11798.

DEPARTMENT OF THE INTERIOR, FEB.

WASHINGTON.

I.T.D. 2432,2672,2740,2960,3264-1967.
3296,3304,3336,3374,3384, "
3394,3418,3446,3482,3488, "
3492,3520,3546,3584,3660, " February 26, 1907.
3666,3670,3672,3682,3682, "
LRS. 3880,3894,3912,3982,4042, "
4084,4112,4116,4148,4194- "
4200,4230,4238,4240,4242, "
4296,4294,4310,4312, "

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Joseph M. Collins,	June 10, 1906.
James B. Burnes, et al.,	June 10, 1906.
Fannie W. Fulsomer, et al.,	June 10, 1906.
Jessie Joe Turner	June 10, 1906.
Thomas Woods,	December 19, 1904.
Lista Benson,	November 6, 1906.
Amy M. Hancock, et al.,	November 10, 1906.
Daisy Crockett Coleman, et al.,	September 28, 1906.
Harry Gales	October 2, 1906.
Lucinda M. Hanks, et al.,	November 13, 1906.
Agnes Irene Coleman, et al.,	December 20, 1906.
Lillie May Pate, et al.,	December 20, 1906.
Ruth Ann Ferguson,	December 20, 1906.
Dovie [illegible] Gofforth,	December 20, 1906.
Andrew J. Adair, et al.,	November 15, 1906.
Nellie G. Blakely, et al.,	November 14, 1906.

Title of Case.	Date of your letter of transmittal
Overton Martin Reeds, et al.,	January 14, 1907.
John Lee Hunt,	December 20, 1906.
Kathleen Lockett,	January 12, 1907.
Thomas Rudolph Hamlin,	December 20, 1906.
Mamie Dunnigan,	January 12, 1907.
William A. Gardner,	December 20, 1906.
Sophia C. Harris, et al.,	December 20, 1906.
Jesse Monroe Jones,	January 12, 1907.
Bertie Cotton, et al.,	October 4, 1906.
Maggie Irene Stalcup,	November 21, 1906.
L. Everet Parks, et al.,	November 21, 1906.
Nila Florence Cockrum,	October 2, 1906.
Cleo Irene Cummings, et al.,	December 21, 1906.
Tilden J. Smith,	November 21, 1906.
Jewell Harryman,	November 21, 1906.
Jim Costilow, et al.,	December 21, 1906.
Lettie May Hickman, et al.,	December 24, 1906.
Rae Colbert, et al.,	December 21, 1906.
Matilda Florence,	June 20, 1906.
Mary Jane Fulsom, et al.,	June 18, 1906.
Lee Kook, et al.,	October 20, 1906.
Magnolia Thompson,	November 21, 1906.
John Hardy Sterling, et al.,	November 23, 1906.
James Maberry Morse Jr.,	January 16, 1907.
James O. Shaw,	November 21, 1906.
Sallie Engleman, et al.,	January 16, 1907.
Fannie Pearl Bowles, et al.,	December 21, 1906.
Thomas A. Fitzgerald (Jr.)	December 21, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

James R. Wilson,

Assistant Secretary.

44 inc. and
92 for Ind. Of.
A. L. H.
2-21-07.

D. C. 11790-1907. --Copy--

Land.
87308-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 14, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

Referring to Department letter of January 29, 1906 (I.T.D. 5850), there is enclosed a report from the Commissioner to the Five Civilized Tribes, relative to the application for enrollment of Harry Guieu as a citizen of the Choctaw Nation.

The record shows that the applicant isthe son of Naomi Walker an enrolled citizen by intermarriage of the Choctaw Nation, and Frank M. Guieu, a white man. Therefore the applicant has no Indian blood and under the provisions of the Act of June 21, 1906 (34 Stat. L., 325) and the decision of July 10, 1906, in the case of William Jesse Bacon (I.T.D. 2548), he is not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

J. R. B. - EL

7-5688
7-4664

Muskogee, Indian Territory, July 15, 1907.

Chief Clerk,

Choctaw-Chickasaw Land Office.

Dear Sir:

Your office has heretofore been directed to suspend action relative to the making of allotments and the preparation of patents to Cynthia and Rose Walker at Nos. 15862 and 15863 and Ida M. Rockett at No. 15792 upon the approved roll of citizens by blood of the Choctaw Nation.

Inasmuch as the matter of their right to enrollment is pending before the Department and it appearing that their names were not stricken from the approved roll of citizens by blood of the Choctaw Nation prior to March 4, 1907 and that they remain upon the roll as finally approved by the Secretary of the Interior, you are authorized to proceed with the making of allotments and the preparation of patents to these persons.

Respectfully,

Commissioner.

MEMORANDA.

Drawn

(Date) ..... 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

D 320

eCopy-

REFER IN REPLY TO THE FOLLOWING:
Land.
87308-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of January 29,1906 (I.T.D. 5850), there is enclosed a report from the Commissioner to the Five Civilized Tribes,relative to the application for enrollment of Harry Guiou as a citizen of the Choctaw Nation.

The record shows that the applicant is the son of Naomi Walker an enrolled citizen by intermarriage of the Choctaw Nation,and Frank H. Guiou, a white man. Therefore the applicant has no Indian blood and under the provisions of the Act of June 21,1906 (34 Stat. L.,325) and the decision of July 10, 1906,in the case of William Jesse Bacon (I.T.D. 2548), he is not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

J.P.B. - EL

Muskogee, Indian Territory, November 21, 1900.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of November [illegible], in which you desire to be informed if Mrs. Naomi Walker is listed for enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nation, the number of the card, her post-office address, the names of such other persons as may appear thereon with her, the name of the Indian through whom she claims by intermarriage and whether or not it appears from the records that she complied with the intermarriage laws.

You are informed that the records of this Commission show that Naomi Walker, 46 years of age, of Durant, Indian Territory, is listed as a doubtful claimant to intermarried citizenship in the Choctaw Nation, the number of the card upon which she so appears being Choctaw D-320. There is on file with the records of the Commission a certified copy of the marriage certificate between Naomi Gardner and Wiley H. Stewart, through whom she claims her right to intermarried citizenship in the Choctaw Nation.

Yours truly,

SIGNED Tams Bixby

Acting Chairman.

Naomi Walker was admitted
by Dawes Commission in 1896:
Choctaw Case # 516: No appeal.

Cynthia Walker Daughter 15 yrs old
Rose Walker Son 12 " "
were admitted by Dawes
Commission in 1896: Choctaw Case # 502:
No appeal.

JP.

D. C. 11790.

DEPARTMENT OF THE INTERIOR, FMR.

WASHINGTON.

I.T.D. 2632,2672,2740,2960,3264-1907.
3296,3304,3336,3374,3384, "
3394,3418,3446,3492,3480, "
3482,3530,3546,3586,3560, "
3568,3570,3572,3602,3652, "
L.R.S. 3880,3894,3912,3982,4042, "
4054,4112,4116,4148,4194- "
4200,4230,4238,4240,4242, "
4256,4294,4310,4312, "

February 26, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Joseph R. Collins,	June 10, 1906.
James E. Barnes, et al.,	June 19, 1906.
Fannie M. Falconer, et al.,	June 19, 1906.
Jessie Joe Turner	June 19, 1906.
Thomas Woods,	December 19, 1906.
Lieia Benson,	November 6, 1906.
Amy M. Hancock, et al.,	November 15, 1906.
Daisy Crockett Coleman, et al.,	September 28, 1906.
Harry Coiey	October 2, 1906.
Lucinda M. Meaks, et al.,	November 13, 1906.
Agnes Irene Coleman, et al.,	December 20, 1906.
Lillie May Pate, et al.,	December 20, 1906.
Ruth Ann Ferguson,	December 20, 1906.
Bevie Affinet Seferth,	December 20, 1906.
Andrew J. Giles, et al.,	November 15, 1906.
Nellie C. Blakely, et al.,	November 14, 1906.

Title of Case.	Date of your letter of transmittal.
Overton Martin Bemis, et al.,	January 14, 1907.
John Lee Hunt,	December 20, 1906.
Kathleen Lockett,	January 12, 1907.
Thomas Rudolph Hamlin,	December 20, 1906.
Mamie Dunagan,	January 12, 1907.
William A. Gardner,	December 20, 1906.
Sophia C. Harris, et al.,	December 20, 1906.
Jesse Monore Jones,	January 12, 1907.
Bertie Cotton, et al.,	October 4, 1906.
Maggie Irene Stalcup,	November 22, 1906.
L. Everet Parks, et al.,	November 22, 1906.
Nila Florence Cochran,	October, 2, 1906.
Cleo Irene Cummings, et al.,	December 24, 1906.
Tilden J. Smith,	November 21, 1906.
Jewell Merryman,	November 21, 1906.
Jim Costilow, et al.,	December 21, 1906.
Lottie May Hickman, et al.,	December 24, 1906.
Rae Colbert, et al.,	December 21, 1906.
Matilda Florence,	June 20, 1906.
Mary Jane Fulsom, et al.,	June 18, 1906.
Lee Kook, et al.,	October 20, 1906.
Magnolia Thompson,	November 21, 1906.
John Hardy Sterling, et al.,	November 23, 1906.
James Maberry Morse Jr.,	January 16, 1907.
James C. Shaw,	November 21, 1906.
Sallie Engleman, et al.,	January 16, 1907.
Fannie Pearl Beagles, et al.,	December 21, 1906.
Thomas A. Fitzgerald (Jr.)	December 21, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

44 inc. and
92 for Ind. Of.

A. F. No.
2-21-07.

D. C. 11790-1907. --Copy--

DEPARTMENT OFTHE INTERIOR,

Land. OFFICE OF INDIAN AFFAIRS,
87308-1906.

WASHINGTON. February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of January 29, 1906 (I.T.D. 5850), there is enclosed a report from the Commissioner to the Five Civilized Tribes, relative to the application for enrollment of Harry Guiou as a citizen of the Choctaw Nation.

The record shows that the applicant isthe son of Naomi Walker an enrolled citizen by intermarriage of the Choctaw Nation, and Frank H. Guiou, a white man. Therefore the applicant has no Indian blood and under the previsions of the Act of June 21, 1906 (34 Stat. L., 325) and the decision of July 10, 1906, in the case of William Jesse Bacon (I.T.D. 2548), he is not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J. P. B. - ML

Choctaw 5689
James Holly

5689

Transferred from Choc D 162 8-15-03

2-6-04 Protest of Atty's for Nations filed

2-13-04 Record and protest forwarded Dept

6-25-05 Decision of Commission of 7-30-05 affirmed by Dept

C O P Y.

Choctaw D-162.

Muskogee, Indian Territory, February 27, 1902.

James Holly,

Oaksville, Indian Territory.

You are hereby notified that your application for the enrollment of yourself and your wife, Frances E. Holly, as citizens of the Choctaw Nation will be taked up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

T.B. Needles,

Register. Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of James Holly for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his wife, Frances E. Holly, as a citizen of the Choctaw Nation.

---D 162----

On the 27th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of James Holly and Frances E. Holly for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this 4th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicants, being called, failed to appear either in person or by attorney.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen.

Subscribed and sworn to before me this 8th day of April, 1902.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, I. T., November 26th, 1902.

Choctaw D-162
Intermarried

----------oOo----------

In the matter of the application of James Holly for enrollment as an intermarried citizen of the Choctaw Nation.

James Holly being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James Holly.
Q What is your age? A Thirty-eight years old.
Q What is your post office address? A Swink; it used to be Boaksville.
Q How long have you lived in the Choctaw Nation? A Eight years.
Q Have you lived here continuously for the past eight years?
A I have.
Q Never made your home anywhere else during that time? A Have not.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Indian wife through whom you claim these rights? A Frances E. Brown.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A I suppose so, she has been enrolled and drawed money and married under the Choctaw law.
Q When were you married to her? A In '97 I reckon it was - -'97 - let me see - -yes, I think it was the 4th of January, '97 - -five years ago.
Q Where was this marriage ceremony performed? A Six miles east of Boaksville, at the residence of Dave Swink's.
Q At that time were both you and your wife residents of the Choctaw Nation? A We was.
Q Were you married in accordance with the Choctaw tribal law?
A We was.
Q Did you obtain a marriage license? A Yes sir.
Q From whom did you get that license? A County Clerk--Henry Williams.
Q County Clerk of what county? A Towson county.
Q How much did you pay for that license? A $100.
Q Who performed the marriage ceremony? A John Garland.
Q Was he a minister of the gospel? A Judge, County Judge.
Q Were you ever married before your marriage to Frances E. Brown?
A I was.
Q How many times? A One time.
Q What was the name of your former wife? A Marcus Lunsford.

James Holly----2

Q Was she a white woman? A Yes sir.
Q How long did you live with her? A Nearly four years.
Q Until her death? A Yes sir; we had some separations during the time; we didn't live together all the time.
Q Was she dead at the time of your marriage to Frances E. Brown?
A Yes sir.
Q Was Frances Brown ever married before her marriage to you?
A No sir.
Q Since that marriage in 1897 have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A None whatever.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A We are.

- - - - - - - - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 26th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 15 day of January, 1903.

Charles H. Sawyer

Notary Public.

JRS.

7-D-162

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frances E. Holly as a citizen by blood and James Holly as a citizen by intermarriage of the Choctaw Nation.

-D E C I S I O N-

It appears from the record herein that James Holly appeared before the Commission at Antlers, Indian Territory, May 16, 1899, and made personal application for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Frances E. Holly, as a citizen by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Garvin, Indian Territory, November 26, 1902.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission it appears that Frances E. Holly is a recognized and enrolled citizen by blood of the Choctaw Nation, her name being identified as Frances Brown on both the 1893 Choctaw leased district pay roll, Towson County, page 48, No.427, and on the 1896 Choctaw census roll, Towson County, No.1106.

It further appears from the evidence herein that the said James Holly was on January 4, 1894, married in accordance with the laws, customs and usages of the Choctaw Nation to the said Frances E. Holly; that at the time of said marriage both persons above mentioned was residents in good faith of the Choctaw Nation and that they have lived together continuously in the said nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Frances E. Holly should be enrolled as a citizen by blood and James Holly as a citizen by intermarriage of the Choctaw Nation, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Tams Bixby Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

JUL 30 1903.

W E Harvey
COMMISSIONER.

Choctaw D-162

COPY.

Muskogee, Indian Territory, July 30, 1903.

James Holly,

Swink, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application for the enrollment of Frances E. Holly as a citizen by blood and of James Holly as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED T. B. Needles.
Commissioner in Charge.

Register.

Enc. NEW 39/30

Choctaw D-162

COPY.

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray and Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application for the enrollment of Frances E. Holly as a citizen by blood and of James Holly as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Register.
Enc. NBW 40/90.

COPY.

Muskogee, Indian Territory, February 13, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith for Departmental consideration, the record in the matter of the application of James Holly for the enrollment of himself and his wife, Frances E. Holly, as citizens of the Choctaw Nation, together with the decision of the Commission of July 30, 1903, granting said application, and the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, which was filed with the Commission on February 6, 1904, under authority granted by Departmental communication to the Commission of November 18, 1903 (I.T.D. 7122-1903), in which they request that no further action be taken in the enrollment of Frances E. Holly as a citizen by blood of the Choctaw Nation until the final decision of the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., versus the Choctaw and Chickasaw Nations.

I have also to report that the name of Frances E. Holly appears opposite number 15063 on the schedule constituting a part of the final roll of citizens by blood of the Choctaw Nation, numbers 15054 to 15074 inclusive, which was forwarded with our letter of January 18, 1904,

Secretary, -3-

for Departmental action.

Respectfully,

SIGNED

T. B. Needles.
Commissioner in Charge.

AB 3-13

Through the Commissioner
of Indian Affairs.

Choctaw 5689

Muskogee, Indian Territory, February 13, 1904.

Frances E. Holly,

Swink, Indian Territory,

Dear Madam:

You are hereby advised that the attorneys for the Choctaw and Chickasaw Nations, on February 6, 1904, filed a protest to your enrollment as a citizen by blood of the Choctaw nation, in which they request that final action therein be postponed until the action of the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al. versus the Choctaw and Chickasaw Nations, and the record in your case, together with the decision of the Commission granting your application, and the protest of the attorneys for the Choctaw and Chickasaw Nations above referred to, has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR. W.C.F.

D.C. 32464-1905.
I.T.D. 5448-1904.

WASHINGTON. June 28, 1905. FHE

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 13, 1904, you transmitted the record in the matter of the application of James Holly for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and of his wife, Frances E. Holly, as a citizen by blood of said Nation, together with your decision of July 30, 1903, granting said applications; also protest of the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, in which they request that no further action be taken in the matter of the enrollment of Frances E. Holly until final decision of the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong et al.

On November 28, 1904, said Citizenship Court rendered a decision adverse to the applicants in the case of Mattie Lee Armstrong et al.

You stated in your decision that Frances E. Holly is a recognized and enrolled citizen by blood of the Choctaw Nation, her name being identified as Frances Brown on the 1893 Choctaw leased district pay roll, and on the 1896 Choctaw census roll. Her name appears opposite No. 15043 on the partial roll of citi-

zens by blood of the Choctaw Nation approved by the Department on February 16, 1904.

The record shows that James Holly was married on January 4, 1897, to said Frances E. Holly, in accordance with the laws, customs and usages of the Choctaw Nation; that they were both residents in good faith in the Choctaw Nation and that they have continued to live together in said Nation as husband and wife.

Reporting July 2, 1904, the Indian Office recommended that your decision favorable to the applicants be approved. A copy of its letter is inclosed.

On July 9, 1904, the attorneys for the Choctaw and Chickasaw Nations were notified that they would be allowed ten days from the date of such notice within which to submit argument in the case. No response has been received to said notice.

The Department concurs in the recommendation of the Indian Office, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,
Secretary.

1 inclosure.

(copy)

DEPARTMENT OF THE INTERIOR,

Land.
19686-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 2, 1904.

The Honorable,

Secretary of the Interior.

Sir:

February 13, 1903, the Commission transmitted the record relative to the application of Frances E. Holly for enrollment as a citizen by blood and for the enrollment of James Holly as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to Frances E. Holly, a recognized citizen by blood of the said Nation.

The records in the case shows that James Holly and Frances E. Holly, nee Brown, were married in accordance with the laws of the Choctaw Nation on January 4, 1897.

February 13, 1904, the Commission transmitted the request of the attorneys for the Choctaw and Chickasaw Nations that the right of these applicants to enrollment be not passed upon until after the Choctaw and Chickasaw Citizenship Court has adjudicated the case of Mattie Lee Armstrong, et al.

The Commission's report and the request of said attorneys were transmitted to the Department with office report of March 14, 1904: They were returned March 18, 1904 (I.T.D. 2234-1904). However, in view of the Department's action in the Andrew D. Pollock case, letter of June 10,

1904, (I.T.D. 8150-1903), and considering Department telegram of June 7 to the Commission, a copy of which was furnished this office with letter of June 10, 1904, (I.T.D. 4618-1904), it would seem that there is no reason why the record in the case should not now be transmitted and the rights of the applicants to enrollment finally passed upon. The record is therefore enclosed.

July 30, 1903, the Commission held that Frances E. Holly was entitled to enrollment as a citizen by blood and that James Holly was entitled to enrollment as an intermarried citizen of the Choctaw Nation. The record in the case shows that the name of Frances E. Holly appears on the 1893 Choctaw Lease District Pay Roll as is Frances Brown and that it is also found on the 1896 Choctaw Census Roll. At the time of the marriage, both persons to the application were residents in good faith of the Choctaw Nation and it appears that they have lived together continuously in that Nation as husband and wife since the date of their marriage, up to and including September 25, 1902.

From the record in this case, it seems to this office that Frances E. Holly is entitled to enrollment as a citizen by blood and that her husband, James Holly is entitled to enrollment as an intermarried citizen. The

approval of the Commission's decision favorable to the applicants is recommended.

Very Respectfully,

A. F. Turner,
Acting Commissioner.

GAW-E

2 encl.

7-B-162

Muskogee, Indian Territory, July 11, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

COPY.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of June 28, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 30, 1903, granting the application for the enrollment of James Holly as a citizen by intermarriage, and of Frances E. Holly, as a citizen by blood, of the Choctaw Nation.

Respectfully,

SIGNED Tams Bixby

Commissioner.

9-D-168

Muskogee, Indian Territory, July 11, 1905.

COPY.

James Holly,

Swink, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of June 28, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 30, 1903, granting the application for the enrollment of yourself as a citizen by intermarriage, and of your wife, Frances E. Holly, as a citizen by blood, of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Commission to the Five Civilized Tribes,

Antlers, Indian Territory.

In the matter of the enrollment of Frances Holley, nee Brown, as a citizen by blood of the Choctaw Nation; Wilson Fisher being sworn and examined by Commissioner McKennon, testifies as follows:

Q What is your name? A Wilson Fisher.

Q How old are you? A Twenty-seven.

Q Where do you live? A Red River county

Q Are you a full-blood Choctaw Indian? A Yes sir.

Q And a citizen of the Choctaw Nation? A Yes sir.

Q Did you know Frances Brown? A Yes sir.

Q She is now the wife of a white man named Holley?

A Yes, I think she married a white man, but I don't know that white man's name. She married in Towson County.

Q Do you know whether she is Indian or a white woman?

A She is a white woman.

Q How long have you known her? A Ever since she was a little child.

Q Were her parents white people? A A white woman was her mother.

Q Who was her father? A I don't know.

Q Was she an illegitimate child? A I don't know whether she was or not, I just saw her when she was little.

Q You knew her mother? A Yes., I saw her once.

Q You didn't know her father? A No.

Q Did her mother have any husband living with her when you knew her? A No, she just came by herself, and gave the child to Kinsey Battiest and he raised it and he died and his widow married

Frances Holley,nee Brown, Wilson Fisher witness, #2)

James Brown, and when that woman died Joslin Brown took her and sent her to Wheelock school and gave her the name of Frances Brown.

Q Battiest's widow was not related to this child at all?

A No sir, she was a full blood Choctaw and she just raised it, and when she married a man named Brown she gave the child the name of Brown.

Q And put her in the Wheelock school? A Yes sir.

Q She was educated there? A Yes sir. Joslin Brown sent her to school; he was judge.

James Holley, being sworn and examined by Com. McKennon, says:

Q What is your name? A Jim Holley.

Q How old are you? A Thirty-five.

Q You a white man? A Yes sir.

Q You married a young woman by the name of Frances Brown did you? A Yes sir, Frances E. Brown.

Q Where is she ? A At home; we live six miles east of Doaksville.

Q Why didn't you goto Alikchi to register?

A I did, but so many ahead of me I couldn't get in and I went home and didn't get a chance to go back.

Q Do you know whether your wife is a white woman or not?

A No sir I do not.

Q You don't know anything about that? A No sir.

Q Does she appear to be a white woman? A Well yes, she looks a good deal like a white woman.

Frances Holley, nee Brown, Jas.Holley witness, #2)

Q (By Lewis) Did you know her when she was going to school at that Orphan Home? A No sir.

Q (Capt.McK) How long have you known her?

A Twelve months before I married her.

Q How old is she now? A Twenty-three.

Q You got any children by her? A None at all.

Q Did she go with you to Alikchi? A No sir, she didn't go.

Q Her name is Frances Brown is it? A Yes sir.

She couldn't t stiff any further back than Wheelock because she wasn't old enough to remember.

Q How old was she when she went to Wheelock? A I think she does remember going there b t can't recollect, I think she was eight years old when they carried her there. I wrote to the Superintendent for what information I could get, and he said she was eight years old.

Department of the Interior,
Commission to the Five Civilized Tribes

I hereby certify upon my official oath as Stenographer attached to the above named Commission, that this [illegible] and correct translation of my stenographic notes.

M D Green

C O P Y.

THE CHOCTAW NATION }
COUNTY OF TOWSON }

Know all men by these presents that I, H. . Williams County Clerk of Towson County, Choctaw Nation, by virtue of power vested in me do hereby grant James Holley, a citizen of the United States, having resided in the Choctaw Nation for the length of time required by law, I do hereby license him to marry Miss Francis E. Brown, a citizen of the Choctaw Nation.

Given under my hand and seal of office, This 2nd day of January, A.D. 1897.

(Signed) H.R. Williams,
County Clerk of Towson County,
Choctaw Nation.

Seal.

The Choctaw Nation, Towson County.
January 4th, 1897.

This is to certify that I have this day joined James Holley and Francis E. Brown in the holy bounds of matimony.

Witness Mr. R.R. Swink and Mrs. Swink and Birdie Gardner this the day and date above mention.

Given under my hand.

(Signed) J.A. Garland,
Co & Probate Judge of
Towson Co. C.N.

C O P Y.

THE CHOCTAW NATION)
)
COUNTY OF TOWSON)

Know all men by these presents that I, R. [illegible] Williams County Clerk of Towson County, Choctaw Nation, by virtue of power vested in me do hereby grant James Holley, a citizen of the United States, having resided in the Choctaw Nation for the length of time required by law, I do hereby license him to marry Miss Francis E. Brown, a citizen of the Choctaw Nation.

Given under my hand and seal of office, this 2nd day of January, A.D. 1897.

(Signed) R.R. Williams.
County Clerk of Towson County,
Choctaw Nation.

Seal.

The Choctaw Nation, Towson County.
January 4th, 1897.

This is to certify that I have this day joined James Holley and Francis E. Brown in the holy bonds of matrimony.

Witness Mr. R.R. Smith and Mrs. Smith my family servant this the day and date above mention.

Given under my hand.

(Signed) J.J. [illegible],
Co A Presiding Judge of
Towson Co. A.N.

DEPARTMENT OF THE INTERIOR
OFFICE OF
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES
MUSKOGEE OKLAHOMA

THIS IS TO CERTIFY THAT I AM THE OFFICER HAVING CUSTODY OF THE RECORDS PERTAINING TO THE ENROLLMENT OF THE MEMBERS OF THE CHOCTAW, CHICKASAW CHEROKEE, CREEK AND SEMINOLE TRIBES OF INDIANS AND THE DISPOSITION OF THE LAND OF SAID TRIBES, AND THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF a copy of Marriage License issued James Holley and Miss Francis E. Brown with certificate of their marriage on January 4, 1897.

Asst. to Superintendent.

Muscogee, Indian Territory,

August 1[illegible], 1900.

James Holly,

Poolesville, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation through its attorneys, Messrs. McLennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Frances E. Holly as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-162.

Muskogee, Indian Territory, October 20, 1900.

R. F. Wilson,

Clear Creek, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 16th instant in which you desire to be informed if the names of W. J. Hulit and James Holly appear upon the rolls of the Choctaw or Chickasaw Nation.

You are informed that the records of this Commission show that James Holly, 38 years of age, together with his wife, Francis E. Holly, 23 years of age, were listed by this Commission as doubtful claimants to enrollment on May 16th, 1899, James Holly claiming as an intermarried citizen and Francis E. Holly as a citizen by blood of the Choctaw nation and her name appears upon the 1896 census roll of that Nation as Francis Brown, a resident of Towson County. Francis E. Holly claims that she is a white woman, who was given to McKinney Battiste by her white mother when a child and placed in the Wheelock Orphan asylum. She states that she has no information as to who her parents were.

The Commission is in possession of the testimony of Wilson Fisher as to her citizenship in the Choctaw Nation and also the testimony of her husband, James Holly, and the license issued by J. H. Williams, Circuit Clerk of Towson County, Choctaw Nation January 7th, 1897, said license being issued to James Holly, a citizen of the United States and Francis Brown a citizen of the Choctaw Nation.

You are further informed that the Choctaw nation through

its representatives, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a protest to the enrollment of these parties as citizens of the Choctaw Nation. The applicants were notified of the filing of such protest and also that the Commission would be at Atoka, Indian Territory, beginning December 3rd, 1900, to hear additional testimony in such cases.

As to W. J. Hulit of whom you inquire, the records of this Commission show that J. W. Howlett, 46 years of age, together with his wife, Sarah C. Howlett, 49 years of age, whose residence is given as Pauls Valley , Indian Territory, were listed by this Commission as doubtful claimants to enrollment in the Choctaw Nation on September 6th, 1898.

It develops however, by an examination of the records of this Commission that J. W. Howlett made application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896, and that this Commission after carefully considering his application and the evidence submitted in support thereof, refused his application for citizenship at that time. No appeal having been taken from the decision of the Commission in the time prescribed by law, the action of the Commission refusing his application became final.

Protest has been entered by the Choctaw Nation as to the enrollment of his wife and she has also been notified of the session of the Commission at Atoka for the hearing of additional testimony which may be offered in support of her application.

Yours truly,

7-D-162
7- D- 87

Acting Chairman.

7-8888.

Muskogee, Indian Territory, August 25, 1903.

Frances E. Holly,

Swink, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, the records of the Commission do not show the amount of Choctaw blood which you claim to possess. You should therefore immediately furnish the Commission a sworn statement as to the amount of your Choctaw blood.

This matter should receive your prompt attention as the information requested is necessary in the matter of your enrollment as a citizen of the Choctaw Nation.

Respectfully,

Chairman.

T-8629

Muskogee, Indian Territory, September 2, 1903.

Frances E. Kelly,
Swink, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit stating that you claim to be 1/8 Choctaw blood; and the same has been duly filed with our records in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw 5689.

Muskogee, Indian Territory, April 20, 1905.

James Holley,

Quinn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 18, asking the status of your case.

In reply to your letter you are informed that on February 13, 1904, the record in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation together with the decision of the Commission of July 30, 1903, granting said application, was forwarded to the Secretary of the Interior, and the Commission has not yet been advised of Departmental action thereon.

You will be advised of such further action as may be taken in your case.

Respectfully,

Chairman.

7

7-8689

Muskogee, Indian Territory, September 7, 1906.

James Kelly,

Fort Towson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 1st in reference to your final enrollment as a citizen of the Choctaw Nation and right to select an allotment.

You are advised that on August 22, 1906, the Secretary of the Interior approved your enrollment as a citizen by intermarriage of the Choctaw Nation and your name appears upon the final roll of such citizens opposite number 1483.

You are now entitled to select an allotment and application therefor should be made at the land office for the nation in which the prospective allotment is located.

Respectfully,

Acting Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 2 1903.

August 31st 1905

Sworn and Yes

Commissoner to the Five Civilized Tribes

Muskogee Ind Ter

in Reply to your Request. I make the
Following Statement I. Have no Family
Record. I. was. Raised in the
Wheelock Orphan Home. Ind Ter
From My History i have Learned I.
Claime 1/8. one Eigh Choctaw Blood

Witness my Hand and seal this the 31st Day of aug. A D 1905

Frances E. Holly.

Subscribed and Sworn to before me this 31 Day of Aug. A D 1905

Thomas Fennell
Notary Public

Choctaw 5690
Zack Davis

5690

Transferred from Choc card D124 D611
See decision of July 30, 1903

Protest of Choc Nation Nov. 1903
Record forwarded Dept 11-11-03

2-10-05
Decision of Commission of 7-30-03
enrolling applicants approved by Dept

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, I. T., December 19th, 1902.

Choctaw D-611
Intermarried

---------oOo--------

In the matter of the application of Mary Elizabeth Davis for enrollment as an intermarried citizen of the Choctaw Nation.

Mary Elizabeth Davis being first duly sworn testified as follows:

Examination by the Commission.

Q What is your full name? A Mary Elizabeth Davis.
Q How old are you? A I am forty-two years old; soon will be.
Q What is your post office address? A Goodwater.
Q How long have you been a resident of the Choctaw Nation? A About six years.
Q Have you livedhere continuously for the past six years?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A Z. T. Davis.
Q Is he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q His rights have never been disputed? A No sir.
Q When were you married to Z. T. Davis? A 28th of November, two years ago.
Q Where was this marriage ceremony performed? A In Red river county.
Q In the Choctaw Nation? A Yes sir.
Q Were both you and your husband at that time bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal laws?
A Yes sir.
Q Did you obtain a marriage license? A Yes sir.
Q From whom did you obtain that license? A Judge Brown married us. We didn't have no license.
Q Were you ever married before you were married to Z. T. Davis?
A Yes sir.
Q How many times? A Once.
Q What was the name of your former husband? A Dawson.
Q His full name? A Thomas Buffington Dawson.
Q Was he a white man? A Yes sir.
Q Where was you married to him? A My first husband?
Q Yes? A In Louisiana.
Q Was he living at the time of your marriage to Z. T. Davis?
A No sir.
Q He was dead? A Yes sir.

Q When did he die? A He's been dead four years this last February.
Q Was he ever married before his marriage to you? A Mr. Dawson?
Q Mr. Davis? A Yes sir.
Q How many times? A Once.
Q What was the name of his former wife? A Fannie E. Davis.
Q At the time of your marriage to Z. T. Davis was his former wife dead? A Yes sir.
Q Since your marriage to Z. T. Davis have you lived together continuously as husband and wife? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you now living together as bona fide residents of the Choctaw Nation? A Yes sir.

- - - - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 19th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 24th day of January, 1903.

W. L. Dorsey
Notary Public.

C O P Y .

An Act Establishing the Citizenship of Z. T. Davis & Family.

Be it enacted by the General Council of the Choctaw Nation assembled; That Z. T. Davis and family, consisting of his wife, Fanny Davis, their daughter, Rose Ella, and her husband, F. M. Willis, their children, Sherwood, Anis, Carrie and Buford Davis, are hereby admitted to all the rights and privileges of citizenship in the Choctaw Nation; and this act shall take effect and be in force from and after its passage.

Approved Oct 24, 1888.

This is to certify that the foregoing is a true and correct transcript from the original bills (Nos. 1 to 79 inclusive) now on file in this office.

Witness my hand and the seal of the State of Arkansas this 12th day of November A. D. 1902.

Seal. JAMS F. EVANS, N. P.

My com expires 19th day of Feb 1906.

C O P Y.

Decr 30th, 1868.

Clark County, Ark.

This day I did solemnize the rights of matrimony legally, between Zachariah Davis, aged nineteen years old, without parents or guardian, and Miss Francis A. Rickets eighteen years old, both residence of the state and county above named.

My credentials recorded Batesville, Ark. January 8th, 1869.

James Wilson

Minister of the Gospel

State of Arkansas, County of Clark.

I, P.M. Carmichael, Clerk of the Circuit Court and ex-officio recorded in and for the County and State aforesaid. Do hereby certify, that the foregoing marriage certificate was this day filed in my office for record and the same is now duly recorded in record book E, page 152. In testimony whereof, I hereunto set my hand, and affixed the seal of said County, at my office, in the City of Arkadelphia, on this the eighth day of January, A.D. 1869.

(Signed) P.M. Carmichael

Clerk and Ex-Officio Recorder.

Office of T.F. Callaway,
County Clerk, Clark County, Ark.

Arkadelphia, Ark., ...189...

State of Arkansas)
County of Clark)

I, T.F. Callaway, Clerk of the Court of the County and State aforesaid, do hereby certify that the annexed and foregoing instrument of writing is a perfect and true copy of the marriage record on file in my office as shown in Record E, page 152.

Witness my hand and the seal of said County on this the 11th day of May, 1899.

(Signed) T.F. Callaway, Clerk.

Seal.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 28, 1901.

In the matter of the death of Fanny Davis, whose name appears upon Choctaw card No. D-124. Zachary Davis having been first duly sworn, testifies as follows:

Examination by the Commission.

Q Now, Mr.Davis, I am going to examine you as to the death of your former wife,, in order to prove her death and make a record of it here? Please state your name? A Zack Davis.
Q What is your age? A I was born in 49, I believe that would make me about fifty-one last November.
Q What is your post-office address? A Cerro Gordo, or Goodwater, either one.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A One-quarter.
Are you married or siggle? A Married.
Q What is your wife's name? A What was her name.
Q What is her name? A Mary Elizabeth Davis.
Q How long have you been married to her? A Two months to-day.
Q Were you ever married before? A Yes sir.
Q What was your other wife's name? A Fanny Ricketts?
Q What was her father's name? AHer father's name - it was just been so long ago, I don't know how he signed it; it was W.C. or W.M., I don't know which.
Q What was his first name? A William.
Q What was her mother's name? A Nancy.
Q When did she die? A Who, my wife?
Q Yes sir? A She died the 11th of last June a year ago.
Q The 11th of June 1899? A Yes sir.
Q How old was she? A. As well as I remember, I think she was forty-nine.
Q Did you appear before the commission in April 1899, and make application for her enrollment as an inter-married citizen of the Choctaw Nation, and forthe enrollment of yourself and your minor children as citizens by blood of the Choctaw Nation? A Yes; I think that is right. She had already been adopted.
Q Where did she die, Mr.Davis? A She died in Red River County, about four miles from Goodwater.I.T.
Q Choctaw Nation? A Yes sir.
Q Who was present, besides yourself, at her death? A Why, her sister and her brother.
Q What are their names? Will Ricketts and Mary Clover, she was a Ricketts. Two cousins of us married; well there is no use of me answering anything but what you ask.
Q You three were present at her death? A Yes sir; they were present, and one of my aunts; two or three others, probably.
Q When and where was she buried? A At Philidelphia church in the Choctaw Nation, Red River County.
Q On what date? The next day; on the 12th; I think it was night when we got her buried.

R. S. Streit, having been first duly sworn, upon his oath states

Benny Davis - 2.

that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause.

R. S. Smith

Subscribed and sworn to before me this 28th day of January, 1901.

Guy L. V. Emerson

Notary Public.

7-D-611

7-D-611.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 28, 1901.

In the matter of the application of Mary Elizabeth Davis for enrollment as a citizen, by inter-marriage, of the Choctaw Nation. And said Mary Elizabeth Davis, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Please state your name? A Mary Elizabeth Davis now; it was Mary Elizabeth Hudson at first.
Q What is your age? A I am thirty-nine.
Q Thirty-nine? A Yes sir.
Q What is your post-office address? A Choctaw Nation.
Q What post-office? A Cerro Gordo, Arkansas.
Q You get your mail at Cerro Gordo, Arkansas? A Yes sir.
Q For what purpose do you appear before the Commission at this time? A A I appear before the Commission for the purpose of making application for enrollment as a citizen, by inter-marriage, of the Choctaw Nation.
Q Where do you live Mrs.Davis? A I live in the Choctaw Nation now.
Q At what point in the Choctaw Nation? A Close to Goodwater there; four miles outside of Goodwater.
Q How long have you lived in the Choctaw Nation? A I have been here two years.
Q You moved to this country in the year 1899? A Yes sir.
Q To the Choctaw Nation? A Yes sir.
Q What month? A August.
Q 1899? A Yes; the 29th.
Q Then it has been about a year and a half? A Two years this last gone August.
Q It was in August, 1898, you moved there? A Yes sir.
Q Three years next August? A Yes sir.
Q Where did you live prior to that time? A Little River County Arkansas.
Q Did you ever live in the Choctaw Nation prior to that time? A No sir.
Q What is the name of your father? A William Hudson.
Q William Hudson? A Yes sir.
Q Is he living? A No sir; he is dead.
Q When did he die? A He died in 75.
Q Is your mother living? A No sir, she is dead.
Q What was her name? A. Paralee Hudson.
Q Were your father and mother both white persons? A Yes sir.
Q Made no claim to Indian blood? A Not that I knew of.
Q You are not possessed of any Indian blood then yourself, as a matter of fact? A Not as I know of.
Q Have you ever been married more than once? A Twice; this makes twice.
Q Is your first husband living? A No sir; he is dead.
Q When did he die ? A Two years the fifth of February; two years next month.
Q What was his name? A Thomas Dawson.
Q Was he a white man? A Yes sir.
Q When were you married to your present husband? A November 28th, 1900.
Q Where were you married to him? A In the Choctaw Nation.

Q At what place? A Down there close to Choctaw - the other side of Choctaw, in the Nation; I don't know what place you call it.
Q Near what town? A Choctaw Nation was the nearest town; it was ten miles from it.
Q Choctaw Nation was the nearest town? A Yes sir; Choctaw City.
Q Were you married under the Choctaw law, or the United States law A Under the Choctaw law .
Q What is the name of your husband? A This one here.
Q Yes? Zach Davis.
Q You are living with him at the present time? A Yes sir.
Q Have been ever since you were married? A Yes sir.
Q Does he claim to be a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood does your husband claim to have? A I don't know what.
Q About what? A I don't know what part; I never did ask him.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q Does his name appear upon any of the Choctaw tribal rolls? A Yes sir.
Q What rolls? A The rolls at Sulphur Springs.
Q He was enrolled at Sulphur Springs? A Yes sir.
Q When? A Two years ago.
Q. You mean he made application before this Commission for enrollment? A Yes sir.
Q Has your husband, Zach Davis, a middle initial in his name? A Not as I know of; Zach is all I know of.
Q You never heard of it, if he has? A No sir.
Q

1893 census roll of the Choctaw Nation examined, and on page 142 thereof is found the name of Z. D. Davis, aged 50, together with his children, Eunice, Davis, Carrie Davis, Buford Davis, Anna Davis and Sherwood Davis, age 15, 12, 8, 7, and 18 respectively.

Choctaw pay-roll of 1893 examined, and on page 19 thereof, are found the names of Zack Davis, Ennis Davis, Carrey Davis, Sherwood Davis, Bufort Davis and Anna Davis, aged, 12, 10, 15, 6 and 4, respectively.

An examination of the records of the Commission discloses that on April 24, 1899, Zack Davis, age fifty years, claiming to be our-fourth Choctaw Indian, whose post-office is given as Cerro Gordo, Arkansas, appeared before the Commission and made application for the enrollment of his wife Fanny Davis, age forty-nine, as a citizen by intermarriage of the Choctaw Nation, and himself and his children, Sherwood Davis, Eunice Davis, Carrie Davis, Buford Davis and Annis Davis, aged 21, 17, 15, 11 and 9 years, respectively, their names appearing on Choctaw card Field Number D-124.

Q. Mrs. Davis, have you in your possession your marriage license and certificate covering your marriage to Zach Davis? A Yes sir; he has got them in his pocket.
Q Do you wish to offer them in evidence at this time in support of your application for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.

The marriage certificate, signed by W. J. Brown, County and Provate Judge of Red River County, Choctaw Nation, bearing date of November 28th, [illegible] certifying that on said 28th day of November, 1900, he united in the holy bonds of matrimony R Z. T. Davis, a Choctaw citizen, and Miss Mary Elizabeth Dawson, a United States citizen, according to the laws of the Choctaw Nation, bearing the certificate of Sidney J. Herndon, County Clerk of Red River County, Choctaw Nation; that same had been filed on November 30, 1900, and recorded in docket book number two on page 46, and is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

(Witness excused.)

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Zachary W. Davis, having been first duly sworn, upon his oath states as follows:

Examination by the Commission.

Q Please state your name? A Sir?
Q Please state your full name? A Well Zachary Tayler Davis.
Q What is your age? A I was born in 49, the sixteenth day of November, as near as I can get at it.
Q What is your post-office address? A Cerro Gordo or Goodwater. Cerro Gordo, Arkansas, and the other is Goodwater, Indian Territory. I live right half way between the two post-offices.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q You live near the Arkansas line, and, for that reason, you get your mail at Cerro Gordo? A Yes sir; I go to mill there a goodideal.
Q Are you the husband of Mary Elizabeth Davis; whom you have just heard make application to this Commission for enrollment as an inter-married citizen of the Choctaw Nation? A Yes sir.
Q When and where were you married to her? A Right down below where I live, about eighteen miles I guess, on John Harris' farm; she was living on his place, about four miles from Arkinda; that is right on the line - Arkinda is right close to the line.
Q You were married to her under the laws of the Choctaw Nation were you? A Yes sir.
Q You claim to be a Choctaw Indian by blood? A Yes sir.
Q What proportion of Choctaw blood do you claim to have?
A One-quarter.
Q From whom did you procure your marriage license to marry Mary Elizabeth Dawson? A From Judge Brown; his name is Mills I believe; he is Judge of Red River County.
Q Choctaw County Judge? A Yes sir. He is a full blood Choctaw.
Q On what date were you married? A The twenty-eighth of November 1900.
Q At the time you were married to your present wife, did you know she was married before? A Did I know that she was? Yes sir.
Q In the marriage certificate which she has offered in evidence in support of her application for enrollment as an inter-married citizen of the Choctaw Nation to-day, her name appears as Miss Mary Elizabeth Dawson? A Well, that was wrong; the Judge just happened to get it wrong; she was married before; she would

be Mistress. It ought to have been Mistress.

Q The error occured by the Judge getting it wrong? A I think that must be it, to the best of my knowledge. He got it wrong, becau e she was a mistress; she had been married when I married her.

Q Have you ever appeared before this Commission and made a plication for enrollment as a citizen by blood of the Choctaw Nation. A Why, yes sir.

Q When and where? A At Sulphur Springs.

Q When? A I don't recollect exactly now, it seems to me it has been about - I don't remember whether it was two ears ago or not; it was somewh re about that. I have had neuralgia in my head, and it bothers me about my recollection.

Q Well, do you remember under what name you were enrolled A What name I am enrolled?

Q Under what name you made application? A As Z. T. Davis, All the time, you know, I signed my name on the pay-roll as Z. T. Davis, and I got used to it, and I wrote my name there.

Q You are sometimes known, and sign your name, as Zach? A Yes sir; that is right.

Q Have you any children, Mr.Davis? A Yes sir.

Q How many? Well, I guess, I will have to count all of them. I have got, Rosa, myeldest living, Sherwood, Eunice, Buford and Annie.

Q Have you a child by the name of Carrie? A. Yes sir, I have got one by the name of Carrie.

Q Is she living? A Yes sir.

Q She married Joe Roberts.

Q At the time you made a plication to the Commission in 1899 for enrollment, you made application also for your wife, Fanny Davis; is she living? A She is dead.

Q When did she die? A The 11th of last June; let me see - well, the 11th of last June a year ago; that rights.

Q The 11th of June 1899? A Yes sir.

Q That will be two years next June? A Yes sir; the 11th day she will be dead two years.

(By Commission) to applicant, Mary Elizabeth Davis:

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for enrollment as an intermarried citizen of the Chotaw Nation, mailed to you at your proper post-office address?

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings in the above case, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case.

R. S. Streit

Subscribed and sworn to before me this 28, day of January, 1901.

Guy L. Emerson
Notary Public.

7-D611.

Red River County
Choctaw Nation.

11/28/1900.

This is to certify that I have this day united in the holy Bonds of matrimony Mr. Z. T. Davis a Choctaw Citizen. And Miss Mary E. Dawson a United States citizen according to the Laws of the Choctaw Nation .

Given under my hand this the 28th day of November A. D. 1900.

(Signed) M. J. Brown
County and Probate Judge
Red River County,
Choctaw Nation.

Filed Nov. 30th 1900. Recorded in Docket Book No. 2 on page 46. Given under my hand and seal of office this Nov. 30/1900.

Sydney J. Herndon.
County Clerk,
Red River Co., C. N.

C O P Y .

BILL FOR DIVORCE.

The Choctaw Nation.

In Circuit Court of the Second Judicial District, Regular December term, 1897, a petition of F. M. Willis, being presented by Dukes Attorney in said Court, for a Bill of Divorce, setting forth the acts, etc., and after the Court hearing the testimony in regard to the petition do order and decree that a Bill of Divorce be issued to the applicant F. M. Willis.

Therefore, I do issue a Bill of Divorce to said applicant F. M. Willis forever releasing him from the bonds of Matrimony heretofore existing between F. M. Willis and Rosaella Willis.

Given under my hand and seal of office this the 15th day of December, A. D. 1897.

Seal.

SIMON TAYLOR,
Circuit Clerk, 2nd District, C. N.
By _____ Deputy.

I hereby certify that the above and foregoing is a true and correct copy of the bill of divorce granted by the court and issued by Simon Taylor circuit clerk of the December term of said court, December 15th, 1897.

Given under my hand and seal of office this Dec. 12th, 1902.

C. J. ANDERSON,
Circuit Clerk 2nd Judicial District,
C. N.

Endorsed: Filed with the Commission Dec 27, 1902.

Harris, Ind. Ter, Oct. 14, 1898.

This is to certify that I have this day united in the holy Bands of Matrimony, Mr. J. W. Robison, a U.S.Citizen and Miss Rosa Davis, a Choctaw by blood, according to the Laws of the Choctaw Nation.

H. C. Harris.

Supreme Judge 2d Judicial Dist. C.N.

Endorsed on back as follows:

Filed in my office for record, this the 15th, day of October, A. D. 1898. Recorded on page 87 in Book of Records of Marriage.

S. J. Herndon.

Co. & Prob. Clk.

(SEAL)

CHOCTAW NATION)
)
Red River County.)

To any Ordained Minister of the Gospel or Judge of a Court of Record:

This certifies that Mr. J. W. Roberson, a citizen of the U.S. has filed a petition in the Clerk's office, recommended by ten citizens signers, proposing to marry Miss Rosa Davis, a citizen of the Choctaw Nation. And now therefore, By virtue of the authority in me vested by the laws of said Nation, have caused this License to be issued, and that the said Mr. J. W. Robinson, a citizen of the U.S., having taken the oath of allegiance, is entitled to all rights, privileges as guaranteed to citizens by blood.

Witness my hand and seal, this 12th, day of October, A.D. 1898.

S. J. Herndon

County Clerk Red River County, C.N.

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, I. T., November 27th, 1902.

Choctaw D-125
Intermarried

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In the matter of the application of J. W. Robinson for enrollment as an intermarried citizen of the Choctaw Nation.

J. W. Robinson being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A J. W. Robinson.
Q How old are you? A Thirty.
Q What is your post office address? A Goodwater.
Q How long have you been a resident of the Choctaw Nation?
A Five years.
Q Lived here continuously for the past five years? A Yes sir. For the last six I have lived here, but then I have only been a citizen by marriage five years.
Q I asked you how long have you been a resident - - resided here?
A Six years.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw wife through whom you claim?
A Rose Lila Davis.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to her? A In '97, I think it was '97.
Q How many years ago? A Five years.
Q Where was this marriage ceremony performed? A Down near the line, the Arkansas line.
Q In the Choctaw Nation? A Yes sir.
Q At thatbtime were both you and your wife residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law?
A Yes sir.
Q From whom did you get your license? A Sidney Harrison, county clerk.
Q How much did you pay for that license? A Paid $100.
Q Who performed the marriage ceremony? A Judge Harris, Henry Harris.
Q Were you ever married before your marriage to Rose Davis?
A No sir.
Q Was she ever married before her marriage to you? A Yes sir.
Q How many times? A Once I reckon.
Q What was the name of her former husband? A Willis.
Q Was he dead at the time of your marriage to her? A No sir, they had separated.

Q When did they separate? A I couldn't tell you that.
Q How long before your marriage to her? A Why, it must have been a little over a year or about a year; something like that.
Q Were they divorced? A Yes sir.
Q Where was this decree of divorce granted? A I couldn't answer that.
Q Since your marriage to Rose Davis in 1897 have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

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Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 27th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 15 day of January, 1903.

Charles Hetherington

Notary Public.

7-D-608

7-D-608

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. January 16, 1901.

In the matter of the application of Laura Davis for enrollment as an intermarried citizen of the Choctaw Nation. Laura Davis being duly sworn by Commissioner Breckinridge, testified as follows:

Examination by Commissioner Breckinridge.

Q Give me your full name. What is your name? A Laura Davis.
Q How old are you? A Nineteen.
Q What is your post-office. A Goodwater.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you lived in the Choctaw Nation? A About ten or twelve years.
Q Who is it you want to have enrolled as a Choctaw A Myself
Q Are you a Choctaw by blood? A No sir.
Q Intermarried? A Yes sir.
Q You are a white woman are you? A Yes sir.
Q You have, lived continuously in the Choctaw Nation for the last ten or twelve years? A Yes sir.
Q What was your name before you married? A Willis.
Q Give me the name of your husband? A Sherwood Davis.
Q How old is your husband? A Twenty two.
Q Is he a Choctaw by blood? A Yes sir.
Q How long has he lived in the Choctaw Nation? A I don't know.
Q Is this your husband here? A Yes sir.

Sherwood Davis being duly sworn by Commissioner Breckinridge, testified as follows:

Q Please give me your name? A Sherwood Davis.
Q You are the husband of this lady here? A Yes sir.
Q How long have you lived in the Choctaw Nation, Mr. Davis?
A About fifteen and sixteen years I reckon.
Q Are you a recognized citizen of the Choctaw Nation? A Yes sir.
Q You are on the rolls of the Nation, are you? A Yes sir.
Q Have you been enrolled by this Commission on the rolls now being made? A Yes sir.
Q When were you enrolled? The past year? A Yes sir, at Sulphur springs.
Q Enrolled at Sulphur Springs? A Yes sir.
Q Why did you not apply for your wife at that time. Were you married then? A No sir .
Q Married since then? A Yes sir.
Q Give me the name of your father? A Zack Davis.
Q Is he dead? A No sir.
Q Give me the name of your mother? A Fannie Davis.
Q Is she dead? A Yes sir.
Q Where were you born ? A I was born in Arkansas.
Q And did you live in Arkansas until fifteen or sixteen years ago? A Yes sir, Arkansas and Texas both. I lived in Texas one year.
Q And then you came here and have lived here ever since? A Yes sir.
Q Was your father a Choctaw by blood? A Yes sir.
Q Was your mother a Choctaw by blood? A No sir.
Q Was she a white woman? A Yes sir.
Q Have you a certificate of marriage showing that you and

your wife have been married? A Yes sir
Q Let me have it please. You were married the 28th of last November, were you? A Yes sir.

The applicant presents a certificate shewing that he and his wife were married on the 28th of November 1900 by M. J. Brown, County and Probate Judge, Red River County, Choctaw Nation, which is filed herewith

Q Were you ever married ~~xxxx~~ except to this wife? A No sir
Q Was she ever married except to you? A No sir.

Sherwood Davis is shown by his card ChoctawNB. D 124 to be on the Choctaw 1896 roll No. 3442 and is shown to have been admitted by act of Council approved October 24th, 1888.

Laura Davis being recalled testified as follows:

Q Mrs. Davis, give me the name of your father, please?
A France Willis.
Q Is he dead? A No sir.
Q Give me the name of your mother? A Sarah.
Q Is she dead? A No sir.
Q Your people make no claim to Choctaw citizenship at all I believe? A Yes sir, my father.
Q Well you do not by blood? A No sir.
Q Is your father a recognized citizen of the Choctaw Nation?
A No sir, he's not. He's intermarried.
Q How does it happen that you make no claim through your father? A I don't know.
Q If he has a good claim as an intermarried citizen, - has his claim ever been allowed? A No sir, he's married a second wife.
Q His second wife is a white woman? A No sir, she's a Choctaw woman.
Q Is his present wife a Choctaw woman? A No sir.
Q Was your mother a Choctaw woman? A No sir, my step mother's a Choctaw woman.
Q Your mother was simply a white woman was she? A Yes sir, they separated.

The decision of the Commission as to this application will be considered from the testimony and evidence and will be made known to the applicant at her post office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 16th day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 17th day of January, 1901.

Guy L. V. Emerson
Notary Public.

T-R 608

RED RIVER COUNTY)
Choctaw Nation.)

11-28-1900

This is to certify that I have this day united in the holy Bonds of matrimony Mr. Sherwood Davis, a citizen of the Choctaw Nation, and Miss Laura Willis, a United States citizen according to the Lwas of the Choctaw Nation.

Given under my hand this the 28th day of November A. D. 1900.

M. J. Brown.
County and Probate
Judge Red River County
Choctaw Nation.

FILED in my office for Record and Recorded in Docket Book No. 2 on page 47.

Given under my hand and seal of office this Nov. 30th, 1900.

S. J. Herndon
Co. & Prob. Clerk
R. R. Co., C.N.

FILED
Jan. 16 1902
Tams Bixby,
Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, I. T., December 17th, 1902.

Choctaw D-608
Intermarried

----------oOo----------

In the matter of the application of Laura Davis for enrollment as an intermarried citizen of the Choctaw Nation.

Laura Davis being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Laura Davis.
Q How old are you? A Twenty-two.
Q What is your post office address? A Eagletown.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation?
A About fifteen years; I have lived here about that long.
Q You never made your home anywhere else for the past fifteen years?
A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A Sherwood Davis.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q When were you married to Sherwood Davis? A About two years ago.
Q Where was this marriage ceremony performed? A In Red river county.
Q At that time were both you and your husband living in the Choctaw Nation? A Yes sir.
Q Who married you? A Judge Brown.
Q Were you married under a license? A No sir.
Q Were you ever married previous to your marriage to Sherwood Davis?
A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 23 day of January, 1903.

Wax

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, I. T., December 17th, 1902.

Choctaw D-608
Intermarried

----------oOo----------

In the matter of the application of Laura Davis for enrollment as an intermarried citizen of the Choctaw Nation.

Laura Davis being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Laura Davis.
Q How old are you? A Twenty-two.
Q What is your post office address? A Eagletown.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation?
A About fifteen years; I have lived here about that long.
Q You never made your home anywhere else for the past fifteen years?
A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A Sherwood Davis.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q When were you married to Sherwood Davis? A About two years ago.
Q Where was this marriage ceremony performed? A In Red river county.
Q At that time were both you and your husband living in the Choctaw Nation? A Yes sir.
Q Who married you? A Judge Brown.
Q Were you married under a license? A No sir.
Q Were you ever married previous to your marriage to Sherwood Davis?
A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 23 day of January, 1903.

Charles W. Lawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, I. T., December 17th, 1902.

Choctaw D-608
Intermarried

----------oOo----------

In the matter of the application of Laura Davis for enrollment as an intermarried citizen of the Choctaw Nation.

Laura Davis being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Laura Davis.
Q How old are you? A Twenty-two.
Q What is your post office address? A Eagletown.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation?
A About fifteen years; I have lived here about that long.
Q You never made your home anywhere else for the past fifteen years?
A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A Sherwood Davis.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q When were you married to Sherwood Davis? A About two years ago.
Q Where was this marriage ceremony performed? A In Red river county.
Q At that time were both you and your husband living in the Choctaw Nation? A Yes sir.
Q Who married you? A Judge Brown.
Q Were you married under a license? A No sir.
Q Were you ever married previous to your marriage to Sherwood Davis?
A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 23 day of January, 1903.

Chas. H. Adair

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, November 19, 1901.

In the matter of the application of Hugh A. Bishop, for enrollment as a citizen by intermarriage of the Choctaw Nation. Hugh A. Bishop being first duly sworn by Acting Chairman Bixby, testified as follows:

Examination bybthe Commission.

Q What is your name? A Hugh A. Bishop.
Q What is your age? A Twenty-four.
Q Where do you live? A Red River County.
Q What is your post-office address? A Goodwater.
Q What nation is that in? A Choctaw.
Q How long have you lived there? A Three years.
Q Maintained a continuous residence there for the last three years? A Yes sir.
Q Where did you live before that? A Arkansas.
Q Born and raised in Arkansas? A Yes sir.
Q What is your father's name? A Selem B. Bishop.
Q Is your father living? A Yes sir.
Q What is ye r mother's name? A Nannie H. Bishop.
Q Is your mother living? A Yes sir.
Q Your father and mother both white people? A Yes sir.
Q Did either one of them ever claim any rights as citizens by blood of any of the Five Civilized Tribes of the Indian Territory?
A No sir.
Q Are you a white man? A Yes sir.
Q Have you ever made any claim to citizenship by blood in any of the Five Tribes? A No sir.
Q The application you are making now is for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of the Choctaw woman to whom you are now married? A Eunice Davis.
Q What is the name of her father? A Zack Davis.
Q Where does she live? A Red River County.
Q What is her mother's name? A Her mother's dead before I got acquainted with her.
Q How old is she? A Twenty.
Q Was she an enrolled citizen of the Choctaw Nation. A Her family were. They got her name wrong when they enrolled it is my understanding. It was an error when she enrolled. They didn't get her name right. They got her name but they got it Annie.

The name of Eunice Davis, 17 years of age, appears as an applicant for enrollment before this Commission, such application having been made by her father, Zack Davis, April 24, 1899 and her name appears upon the records of the Commission on Choctaw Roll card, field No. D 124.

Q When did you marry Eunice Davis? A The 5th of September.
Q Where? A At Judge Brown's.
Q Were you married under Choctaw license? A Yes sir.
Q Have you your marriage license and certificate? A Yes sir.

The applicant here offers in evidence and there is marked exhibit "A", filed and made a part of the record in this application, a petition of H. A. Bishop, a citizen of the United States, for a license to marry Eunice May Davis, a citizen of the Choctaw Nation. Also the marriage license issued by Sidney J. Herndon, County Clerk of Red River County, Choctaw Nation to Hugh A. Bishop to marry Eunice May Davis, the same being dated November 4, 1901, and the certificate of M. J. Brown, County and Probate Judge of Red River County, Choctaw Nation, as to the marriage of Hugh A. Bishop, a citizen of the United States and Eunice May Davis, a citizen of the Choctaw Nation on the 5th day of November, 1901, the same being recorded in Deckey Book 2 page 67 of the records of Red River County, Choctaw Nation.

Q Were you ever married to Eunice May Davis before you were married to her under this Choctaw license? A No sir.
Q Were you ever married to any other person before you were married to her? A No sir.
Q Had she ever been married before her marriage to you? A No sir.
Q The only marriage existing between you and Eunice May Davis is the marriage under this Choctaw license issued November 4, 1901?
A Yes sir.
Q You are living with her at this time? A Yes sir.
Q How much did you pay for this license? A I paid one hundred dollars.

The decision of the Commission as to your application for enrollment as a citizen by intermarriage of the Choctaw Nation will be determined at the earliest possible date and you will be notified of such action as the Commission may take relative thereto.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of November, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 21st day of November, 1901.

Acting Chairman.

7-B-688.

Goodwater, Ind. Ter., Nov. 2and 1901.

To Hon. S. J. Herndon---

County Clerk of Red River County Choctaw Nation, Ind. Ter.

The undersigned Choctaw Citizens by Blood would most respectfully petetion your hon r to grant and issue unto H. A. Bishop a U. S. Citizen a Marriage License to Marry Miss Eunice May Davis a Citizen of the Choctaw Nation and a Daughter of Zack. T. Davis we have known Mr. Bishop for some time past and know him to be a good moral man. And we your petition will ever pray.

Names.	Names.
1 Z. T. Davis	6 Simon Byington
2 B. S. Harris	7 H. C. Dukes
3 D. J. McClure	8 M. J. Brown
4 Jamison McKinney	9 H. B. Williams
5 Edward Jony	10 Sherwood Davis.

Filed in my office and recorded in Docket Book No. 2 Page 67. This Nov. 4/1901.

Sidney J. Herndon, County Clerk of Red River County, C. N.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Nov 19 1901
Tams Bixby, Acting Chairman.

Exhibit B.

7-B-688.

Choctaw Nation, :
:
Red River County. :

TO ANY ORDAINED MINISTER OF THE GOSPEL OR JUDGE OF A COURT OF RECORD:

This Certifies that Mr. Hugh A. Bishop a citizen of the U.S. has filed a petition in the Clerk's office recommended by ten citizen signers, proposing to marry Miss Eunice May Davis a citizen of the Choctaw Nation. And now therefore, by virtue of the authority in me vested by the laws of said Nation, have caused this license to be issued, and the said Mr. Hugh A. Bishop a citizen of the U.S. having taken the oath of allegiance, is entitled to all rights, priviliges and immunities as guaranteed to citizens by blood.

Witness my hand and seal this 4th day of November A. D. 1901.

(SEAL) Sidney J. Herndon.

County Clerk of Red River County, C.N.

Recorded in Docket Book No. 2. page 68. This the 7th day of Nov. A.D. 1901.

Sidney J. Herndon.

Co. & Prob. Clerk Red River

Co., C.N.

Goodwater, Indian Territory

November 5th 1901.

This is to Certify that I have this day united in the holy Bonds of Matrimony Mr. Hugh A. Bishop a Citizen of the United States And Miss Eunice May Davis a Citizen of the Choctaw Nation according to the laws of the Choctaw Nation.

Given under my hand this the 5th day of November. A D 1901.

M. J. Brown, County and Prob. Judge of Red River Co. C. N.

Filed in my office for Record and Recorded in Docket Book No. 2 page 69. This Nov. 7, 1901.

S. J. Harmon. Co. & Prob. Clerk Red River Co. C N.

(Seal.)

Department of the Interior.
Commission to the Five Civilized Tribes.
At Garvin, Indian Territory, November 26, 1902.

Choctaw D 688.
Intermarried?

In the matter of the application of Hugh A. Bishop for enrollment as an intermarried citizen of the Choctaw Nation?

Hugh A. Bishop, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Hugh A. Bishop.
Q What is your age? A Twenty five.
Q What is your post office address? A Goodwater, Indian Territory
Q What is in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A Four years.
Q Have you lived here continuously for the past four years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Eunice Davis.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q When were you married to Eunice Davis? A November 5, 1901.
Q Where was this marriage ceremony performed? A At Judge Brown's house.
Q In the Choctaw Nation? A Yes sir.
Q At that time were both you and your wife residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q From whom did you procure your marriage license? A S.J.Herndon.
Q How much did you pay for the license? A One hundred dollars.
Q Who performed the marriage ceremony? A Judge Brown.
Q Were you ever married before your marriage to Eunice Davis? A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Since that marriage in 1901 have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation of any kind whatsoever? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

---oOo---

Harry C Ristoen, being first duly sworn, upon his oath states: That as stenographer to the commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Ristoen

Subscribed and sworn to before me this 22 day of January 1903.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SEPTEMBER 28, 1900, MUSKOGEE, I.T.

* * * * * * * * * *

In the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of Joseph J. Roberts, Joseph J. Roberts, being first duly sworn, testified as follows:

(By the Commission)

Q What is your name? A Joseph J. Roberts.
Q What is your age? A 27.
Q What is your post office address? A Goodwater, Indian Territory.
Q Are you a resident of the Indian Territory? A Yes sir.
Q How long have you resided in the Indian Territory? A 6 years.
Q Have you had a continuous residence in the Indian Territory during that time? A Yes sir.
Q What is your father's name? A Henry F. Roberts.
Q Is your father living? A Yes sir.
Q What is your mother's name? A My mother's dead.
Q What is her name? A Matilda.
Q Matilda Roberts? A Yes sir.
Q Your mother living? A No sir.
Q Your parents are both white people? A Yes sir.
Q Have you ever made any claim to Indian citizenship? A No sir.
Q Have you any Indian blood in your veins? A No sir.
Q You a white man? A Yes sir.
Q Citizen of the United States? A Yes sir.
Q You are now making application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What was the maiden name of your wife? A Carrie.
Q Her full name? A That is all, she just had one name.
Q Carrie what? A Carrie Davis.
Q How old is Carrie Davis? A She is 17, I think, I am not real certain.
Q What is your wife's father's name? A Zachariah T. Davis.
Q What is your wife's mother's name? A I do not know, sir. She has been dead several years. I did not know her.
Q Where did your wife's parents live? A Near Goodwater, 4 miles.

The records of the Commission examined, and the name of Carrie Davis, 15 years of age, and the daughter of Zachariah and Fannie Davis, appears upon Choctaw Roll Card, Field No. D-124.

The rights of your wife to enrollment as a citizen of the Choctaw Nation, has not been fully determined by this Commission. There is a question existing as to her final enrollment.

Q How did your wife become a citizen of the Choctaw Nation?
A Why, I don't know. By blood.
Q Do you know, as a matter of fact, whether she was ever adopted by an act of the Council of the Choctaw Nation? A I do not know it as a fact, myself. I suppose so.
Q When were you married? A The 25th of September, last Tuesday.
Q 1900? A Yes sir.
Q Where were you married? U
A Up at their home near Goodwater, at Zachariah Davis'.
Q Married in accordance with the laws of the Choctaw Nation?

Joseph J. Roberts ——— 9 ———

A Yes sir.
Q By whom? A M. J. Brown, County Judge of Red River County.
Q Have you your marriage license and certificate with you that you now desire to offer in evidence?

A certified copy of the petition of Joseph J. Roberts to obtain a marriage license under the laws of the Choctaw Nation, and a certified copy of the marriage license issued by the County Clerk of Red River County, Choctaw Nation, to Joseph J. Roberts and Carrie Davis, and certified copy of certificate of marriage between Joseph J. Roberts and Carried Davis, offered in evidence, marked exhibit A and made a part of the record in this case.

Q Is there any additional statement that you want to make, sir?
A No sir.

The decision of the Commission as to your application for enrollment as an intermarried citizen of the Choctaw Nation will be mailed to you in writing, stating fully the reason therein for any action that the Commission may take in your case.

Kate De Bord, having been first duly affirmed states, that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause, on the 28th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Kate De Bord

Subscribed and affirmed to before me this 9 day of October 1900.

Guy L. V. Emerson
Notary Public.

(C O P Y)

Hon S.J. Herndon)
County & Probate Clerk (
of Red River Co., C.N.)

We the undersigned citizens, by blood Take pleasure in recommending to your honor Mr. J. J. Roberts a United States citizen, as being a good and law abiding man, who wishes to obtain a Marriage License to marry Miss Carrie Davis a citizen of the Choctaw Nation by blood. And we your petitioners must respectfully ask your honor to grant to the said J.J. Roberts the License herein mentioned, and your petitioners will ever pray.

1. M.J. Brown	6 R. L. Clover
2 E. Sickey	7 Z. T. Davis
3 L G Battiest	8 Edward Jones
4 D.J. McClure	9 Tom Sampson
5 W.W. Wilson	10 Able Butler.

CHOCTAW NATION)
(I do hereby certify that the foregoing
RED RIVER COUNTY) petition is a true and correct copy of the original now on record in my office in Docket Book No. 2, on page 37.

Witness my hand and seal of office this the 26th day of September A.D. 1900.

(Signed) S.J. Herndon.

Co & Prob Clerk of Red River

Co. C.N.

(Ls)

(C O P Y)

CHOCTAW NATION)
RED RIVER COUNTY)

To Any Ordained Minister of the Gospel or Judge of A Court of Record:

This certifies that Mr. J.J. Roberts a citizen of the U.S. has filed a petition in the Clerk's office, recommended by ten citizen signers, proposing to marry Miss Carrie Davis a citizen of the Choctaw Nation. And now, therefore, by virtue of the authority in me vested by the laws of said Nation, have caused this to be issued, and that the said Mr. J.J. Roberts a citizen of the U.S. having taken the oath of allegiance, is entitled to all rights, privileges and immunities as guaranteed to citizens by blood.

Witness my hand and seal this 24th day of September A.D. 1900.

(LS)

(Signed) Sidney J. Herndon
County Clerk Red River
County C.N.

CHOCTAW NATION)
RED RIVER COUNTY)

I do hereby certify that the foregoing Marriage License, is a true and correct Copy of the Original now on record in my office in Docket Book No. 2 on Page 38.

Witness my hand and seal of office this the 26th day of September A.D. 1900.

(LS)

(Signed) S.J. Herndon, Co. Clerk.
Red River Co. C.N.

(C O P Y)

CHOCTAW NATION)
(
RED RIVER COUNTY)

This is to certify that I have this day united in the hold Bonds of Mattrimdney Mr. J. J. Roberts a citizen of the United States and Miss Carrie Davis a citizen of the Choctaw Nation.

Given under my hand this the 25th day of September A.D. 1900.

(Signed) M.J. Brown,

County and Probate Judge

Red River County, C.N.

CHOCTAW NATION)
(
RED RIVER COUNTY)

I do hereby certify that the above certificate is a true and correct copy of the Original now on record in my office in Docket Book No. 2 on Page 39.

Witness my hand and seal of office this the 26th day of September A.D. 1900.

(Signed) S J. Herndon

Co. Clerk, Red River Co., C.N.

(LS)

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, Indian Territory, November 26, 1902.

Choctaw D 583.
Intermarried.

In the matter of the application of Joseph J. Roberts for enrollment as an intermarried citizen of the Choctaw Nation.

Joseph J. Roberts, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Joseph J. Roberts.
Q How old are you? A Twenty nine.
Q What is your post office address? A Goodwater, Indian Territory.
Q What nation is that in? A Choctaw Nation.
Q How long have you been a resident of the Choctaw Nation? A Eight years.
Q You have lived here continuously for the last eight years? A Yes sir.
Q Never have made your home anywhere else during that time? A No sir
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw wife through whom you claim these rights? A Carrie Davis.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q When were you married to Carrie Davis? A September 25, 1900.
Q Where was the marriage ceremony performed? A Near Goodwater.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q Did you obtain a marriage license? A Yes sir.
Q From whom did you get that license? A The County Judge of Red River County.
Q How much did you pay for the license? A One hundred dollars.
Q Who performed the marriage ceremony? A Judge Brown of Red River county.
Q Were you ever married before your marriage to Carrie Davis? A No sir
Q Was she ever married before her marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

---oOo---

Harry G Kisteen, being first duly sworn, upon his oath states: that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry Kisteen

Subscribed and sworn to before me this 22 day of January, 1903.

Chas. W. Severson

Notary Public.

COPY. Choctaw-D-611.

Muskogee, Indian Territory, July 30, 1903.

Mary Elizabeth Davis,

Goodwater, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

End. IBB. 8/30

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1902

ACTING CHAIRMAN.

CHOCTAW.
D124

Choctaw Nation } Nov 28th 1900
Red River County }

This is to certify that I have this day united in the holy Bonds of matrimony to Mr. Zack. T. Davis a Citizen of the Choctaw nation And, Miss Mary E. Dawson, a Citizen of the united States according to the Laws of the Choctaw nation,

Given under my hand this the 28th day of November A.D. 1900

M. J. Brown
Co. & Prob. Judge
Red River Co. C. N.

98 908

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Mena, Arkansas, June 1, 1906.

In the matter of J. C. Davis, an applicant for enrollment on Choctaw Doubtful Card Number 908, being identical with Zachary T. Davis, Choctaw by blood, Card Number 5690, Roll Number 15864.

Testimony taken at Kullituklo, Indian Territory, on May 4, 1906.

WILSON A. SHONEY, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Wilson A. Shoney.
Q How old are you? A 33.
Q What is your post office address? A Kullituklo, I. T.
Q Are you a citizen by blood of the Choctaw Nation? A yes.
Q How long have you resided in Red River County?
A All my life.
Q Are you extensively acquainted in Red River County?
A Yes, I know all the Choctaw people over 20 years old.
Q In what official capacity have you served the people of Red RiverCounty to be so intimately acquainted with them?
A I was Representative for two terms and I was County Court Clerk and a member of the Choctaw New Born Enrolling Commission.
Q Were you acquianted with one Zachary T. Davis? A Yes, sir.
Q Did he have children, if so mention them?
A Yes, I know he had some children: Eunice, Carrie and Buford.
Q Do you know who Eunice married? A She married a man by the name of Bishop.
Q On the 1896 Choctaw Roll, Red River County, appears the name J. C. Davis, with Eunice Davis, Carrie Davis and Buford Davis, and others: Do you think this J. C. Davis ~~as~~ was intended for Zachary T. Davis? A yes, sir.
Q About what age man is Zachary T. Davis?
A I would take him to be about 60 years old now.
Q Did an aged Choctaw citizen by the name of J. C Davis reside with Zachary T. Davis and family during and prior to the year 1896?
A No, I do not know any of that name.
Q From your acquiantance with the people of Red River County, did you know of any person by the name of J. C. Davis living in said county in 1896, unless said J. C. Davis was one, the same and identical party as Zachary T. Davis? A No, sir, I did not.

The Choctaw pronunciation of "Z. T." and "J. C." is confusingly similar.

Testimony taken at Goodwater, Indian Territory, May 5, 1906.

WILLIAM J. WHITEMAN, being duly sworn, testified as follows:

BY THE COMMISSIONER:
Q What is your name? A William J. Whiteman.

In Re J. C. Davis, #2- Wm. J. Whiteman, Witness.

Q What is your age? A 37.
Q Your post office? A Goodwater, I. T.
Q Are you a citizen by intermarriage of the Choctaw Nation?
A Yes, sir.
Q How long have you resided in Red River County, Indian Territory?
A About 13 years.
Q What is your present business or occupation? A General merchant.
Q Were you acquainted with a citizen by blood of the Choctaw Nation named Zachary T. Davis? A Yes, sir.
Q Mention some of his children, if you know them?
A Buford, Sherwood, Carrie and Eunice: Carrie married J. J. Roberts, present postoffice Idabel, and Eunice married a Bishop, post office Kullituklo.
Q What age man is this Zachary T. Davis?
A I judge about 60.
Q Did another citizen of the Choctaw Nation, age about 60, reside in the vicinity of Goodwater, I. T., by the name of J.C. Davis?
A Not within the last thirteen years.
Q The name J. C. Davis appears on the 1896 Choctaw Ro 11, Red River County, with Eunice Davis, (now Bishop), Carrie Davis (new Roberts) and others: Do you consider that this J. C. Davis was one intended for Zachary T. Davis?
A That's my opinion.

Witness Excused.

Testimony taken at home of J. J. Roberts, in Idabel, Indian Territory, May 8, 1906.

CARRIE ROBERTS, (nee Davis), being duly sworn, testified as follows:

BY THE COMMISSIONER:
Q What is your name? A Carrie Roberts, formerly Davis.
Q What is your age? A 22/
Q What is your post office address? A Idabel.
Q Are you a citizen by blood of the Choctaw Nation? A yes, sir.

Witness is identified as Carrie Roberts, Choctaw by blood, Roll Number 15872.

Q Are you a daughter of Zachary T. Davis? A Yes, sir.
Q What is his present post office address? A Paul's Valley, I.T.
Q Did he formerly reside in or near Goodwater, I. T.?
A Yes, sir.
Q For how many years did he reside in the vicinity of Goodwater?
A Twelve years.
Q How long since he moved to the Chickasaw Nation?
A In August 1903, I think.
Q Have you a sister Eunice Davis, now Bishop? A yes, sir.
Q Have you a brother Buford Davis? A No, sir, Buford is a girl and my sister.
Q Did one J. C. Davis, age about 66, ever reside in the vicinity of Goodwater, I. T.? A No, sir, I think not.
Q What is the age of your father, Zachary T. Davis?
A I do not know exactly, but he is about 50.
Q The name J. C Davis appears on the 1896 Choctaw Roll, Red River county, with Eunice Davis (now Bishop), Carrie Davis, Buford Davis and others; the name Zachary T. Davis appears on Choctaw Card No. 5696, approved Roll No. 15664: Do you think the J. C. Davis on the 1896 Choctaw Roll was intended for Zachary T. Davis?
A Yes, sir, it must have been.

In Re J. C. Davis--- vs---Carrie Roberts, Witness:

Q You know as a positive fact that there was no J. C. Davis a member of your father's family? A Yes, sir.
Q Did you know any other family by the name of Davis residing in the vicinity of Goodwater when you lived there? A No, sir.

Witness excused.

W.P.Covington, being duly sworn, states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said case on the date and at place mentioned.

H O Covington

Subscribed and sworn to before me, this 9th day of June, 1906.

Notary Public.

JRB

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Zachary T. Davis, et al., as citizens of the Choctaw Nation, consolidating the applications of:

Zachary T. Davis, et al.,	7 D-124
Mary E. Davis,	7 D-611
J. W. Robinson, et al.,	7 D-125
Laura Davis,	7 D-608
Hugh A. Bishop,	7 D-688
Joseph J. Roberts,	7 D-583

D E C I S I O N .

It appears from the census card and other records in this case that Zachary T. Davis appeared before the Commission at Alikchi, Indian Territory, on April 24, 1899, and made personal application for the enrollment of himself and his five minor children, Sherwood Davis, Eunice Davis, Carrie Davis, Buford Davis and Anis Davis, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Fanny Davis, as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on January 28, 1901, at which time evidence was furnished the Commission of the death, on June 11, 1899, of Fanny Davis, and of the subsequent marriage, on November 28, 1900, of Zachary T. Davis to Mary Elizabeth Dawson, a non-citizen. The said Mary Elizabeth Davis (nee Dawson) appeared before the Commission at this hearing and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation. On June 1, 1902, there was born as the issue of the marriage of Zachary T. Davis and Mary Elizabeth Davis (nee Dawson) Seemenigh Davis, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on September 24, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Mary Elizabeth Davis at Wister, Indian Territory, December 19, 1902.

It further appears from the census card and other records in this case that J. W. Robinson appeared before the Commission at Alikchi, Indian Territory, on April 24, 1899, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Rose Ella Robinson (formerly Willis) and her two minor children by her former marriage, Dora C. Willis and Ethel V. Willis, as citizens by blood, of the Choctaw Nation. Subsequently there was born to J. W. Robinson and Rose Ella Robinson two infant children, as follows: on November 10, 1899, Matie Lillian Robinson, for whose enrollment as a citizen by

blood of the Choctaw Nation written application was made to the Commission on May 7, 1900, proper proof of said birth being furnished on said date; and on November 28, 1901, Maudie E. Robinson, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on January 13, 1902, proper proof of said birth being furnished on said date. Further proceedings were had in the matter of the application for the enrollment of J. W. Robinson at Garvin, Indian Territory, on November 27, 1902.

The evidence in this case further shows that the applicant Sherwood Davis was married to Laura Willis, a non-citizen, on November 28, 1900; that the said Laura Davis (nee Willis) appeared before the Commission at Muskogee, Indian Territory, on January 15, 1901, and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation; that on December 5, 1901, there was born as the issue of said marriage, Theodore Winston Davis, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on January 13, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Laura Davis at Wister, Indian Territory, December 17, 1902.

It further appears that the applicant, Eunice Davis, was married to Hugh A. Bishop, a non-citizen, on November 5, 1901; that the said Hugh A. Bishop appeared before the Commission at Muskogee, Indian Territory, on November 19, 1901, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation; and that on August 25, 1902, there was born as the issue of said marriage, Fannie Lundie Bishop, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on September 17, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Hugh A. Bishop at Garvin, Indian Territory, November 26, 1902.

It also appears that the applicant Carrie Davis was married to Joseph J. Roberts, a non-citizen, on September 25, 1900, and that the said Joseph J. Roberts appeared before the Commission at Muskogee, Indian Territory, on September 28, 1900, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of the application of Joseph J. Roberts at Garvin, Indian Territory, November 26, 1902.

It further appears from the record in this case that applicants, Zachary T. Davis (as Z. T. Davis), Fanny Davis, Rose Ella Robinson (as Rose Ella Willis), Sherwood Davis, Eunice Bishop (as Anis Davis), Carrie Roberts (as Carrie Davis) and Buford Davis were admitted to Choctaw citizenship by an act of the Choctaw General Council, approved October 24, 1888, entitled "An Act Establishing the Citizenship of Z. T. Davis and Family", a certified copy of said act being attached to and made a part of the record in this case. The minor applicants, Anis Davis, Doda C. Willis, Ethel V. Willis, Katie Lillian Robinson, Maudie E. Robinson, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, were born subsequent to the approval of said act, and their names are not found therein. Applicants, Mary Elizabeth Davis, J. W. Robinson, Laura

Davis, Hugh A. Bishop and Joseph J. Roberts also acquired their rights as citizens by intermarriage of the Choctaw Nation subsequent to the passage of said act.

On an examination of the tribal rolls in the possession of the Commission the names of Zachary T. Davis, Eunice Bishop (as Eunis Davis), Carrie Roberts (as Carnie Davis), Sherwood Davis, Buford Davis (as Bufert Davis) and Anis Davis (as Anna Davis), are identified on the 1893 Choctaw Leased District pay roll, Red River County, page 19, Nos. 161, 162, 163, 164, 165 and 166, respectively, and the names of Rose Ella Robinson (as Rosella Willis) and Doda C. Willis are identified on said 1895 Choctaw Leased District pay roll, Eagle County, Nos. 703 and 705, respectively. The names of Rose Ella Robinson (as Rosa Ella Willis), Doda C. Willis, Sherwood Davis, Eunice Bishop (as Eunice Davis), Carrie Roberts (as Carne Davis), Buford Davis and Anis Davis (as Zack Davis) are also identified on the 1896 Choctaw census roll, Nos. 13562, 13563, 3442, 3438, 3439, 3440 and 3441, respectively, as citizens by blood of the Choctaw Nation. The minor applicants, Ethel V. Willis, Katie Lillian Robinson, Maudie E. Robinson, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, having been born subsequent to the preparation of the last tribal rolls of the Choctaw Nation, are identified by affidavits of their births duly filed with the Commission and made a part of the record in this case.

It further appears that all the applicants herein, except such as claim by intermarriage, and those who were born subsequent to June 28, 1898, were residents in good faith of Indian Territory on said date, all applicants who were listed on census cards in 1899 being first examined as to such fact, although their testimony was not reduced to writing. The minor applicants herein who were born since June 28, 1898, were born in Indian Territory, and their residence is considered that of their parents.

It further appears from the evidence in this case that applicant Mary Elizabeth Davis (nee Dawson), who claims rights to enrollment as a citizen by intermarriage of the Choctaw Nation, was lawfully married to said Zachary T. Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, on November 28, 1900, and that she has lived with her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is further shown from the evidence in this case that applicant J. W. Robinson, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Rose Ella Willis (nee Davis), a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on October 14, 1898; said Rose Ella Willis having been divorced from her former husband, F. M. Willis, on December 15, 1897, proper evidence of said divorce being filed with the Commission on December 29, 1902, and made a part of the record in this case. The record herein further shows that the said J. W. Robinson has lived with his Choctaw wife in the Choctaw Nation continuously since the date of his marriage up to and including September 25, 1902.

The record in this case further shows that applicant Laura Davis (nee Willis), claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was lawfully married to said Sherwood Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, on November 28, 1900, and that she has lived with

her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It also appears from the evidence in this case that applicant Hugh A. Bishop, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Eunice Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on November 5, 1901, and that he has lived with his said Choctaw wife in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is further shown from the evidence in this case that applicant Joseph J. Roberts, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Carrie Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on September 25, 1900, and that he has lived with his said Choctaw wife in the Choctaw Nation, continuously since said time, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Zachary T. Davis; Rose Ella Robinson; Doda C. Willis; Ethel V. Willis; Katie Lillian Robinson; Maudie E. Robinson; Sherwood Davis; Eunice Bishop; Carrie Roberts; Buford Davis; Anis Davis; Theodore Winston Davis; Fannie Lundie Bishop; and Seemenigh Davis should be enrolled as citizens by blood, and Mary Elizabeth Davis; J. W. Robinson; Laura Davis; Hugh A. Bishop; and Joseph J. Roberts should be enrolled as citizens by intermarriage, of the Choctaw Nation, in accordance with the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Fanny Davis, who died prior to September 25, 1902, should be dismissed under the provisions of section 28 of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

JUL 30 1903

W E Haney
COMMISSIONER.

Acting Chairman.

7-7-14.

Muskogee, Indian Territory, September 14, 1900.

R. T. Davis,

Cerro Gordo, Arkansas.

Dear Sirs

The Commission is in receipt of your letter of the 12th instant in the matter of the protest filed by the Choctaw Nation as to the enrollment of yourself and family as citizens of the Choctaw Nation.

The Commission in its letter of the 10th of August was in error in notifying you a protest was made to the enrollment of [redacted] members of your family. The protest has been made by the Choctaw Nation only as to the enrollment of your daughter Eunice, her name not being included in the act of Council of the Choctaw Nation of October 24th, 1899 by which you were admitted to citizenship in that Nation.

The Commission is in possession of a sufficient statement of the facts in this case upon which a decision may be rendered in the case of the protest to the enrollment of your daughter and it will not be necessary for either you or her to appear before the Commission at its session at Atoka beginning December 3rd.

The Commission will, however, accept any written arguments on questions of law submitted on behalf of the Choctaw and Chickasaw Nations at any time prior to February 1st, 1901, and on behalf of your daughter prior to March 1st, 1901.

At such thereafter as practicable the Commission will consider and finally determine the rights to enrollment of these pro-

K. E. D. Esq.

Invited parties and the decision of the Commission touching Public Use Purposes for any action that may be taken, will be mailed by them.

The Commission cannot comply with your request that your letter be sent to Mr. Ellis at Cuba as the same will have to be retained in the records of the Commission.

Yours truly,

Secretary Chairman.

In reply please refer to P-D-124

Muskogee, Indian Territory, September 18, 1900.

[redacted] Davis,

Cerrogordo, Arkansas.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to the enrollment of Eunice Davis as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to her enrollment. The protest to her enrollment is, that she has never been admitted by the Choctaw Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in her case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on her behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine her right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

K-D-184

Muskogee, I. T. Nov. 2, 1900.

Zach Davis,

Corregerdo, I. T.

Dear Sir:

Can you furnish the Commission with any information as to J. C. Davis, a resident of Red River County, whose name appears on the 1895 Census Roll of the Choctaw Nation, where his age is given as 60 years, but who has never made application for enrollment to the Dawes Commission? There is enclosed herewith an envelope for the return of this letter, after the questions have been answered, and your name signed thereto; no stamp is needed for this envelope.

Yours truly,

Acting Chairman.

Please answer the following questions in the blanks left opposite and sign your name:

1. Is J. C. Davis a relative of yours?_____
2. Is he living or dead?_____
3. If living, where is he?_____
4. If you can give us no information about him, will you send us the name of some one who can?_____

Env.

Muskogee, Indian Territory, January 3, 1901.

Sherwood Davis,

Goodwater, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 31st, 1900, enclosing the marriage certificate between Sherwood Davis and Miss Laura Willis, and requesting that your wife be enrolled as an intermarried citizen of the Choctaw Nation.

Your marriage certificate is returned to you herewith, with the information that the rules and regulations of the Department of the Interior and of this Commission require that each and every applicant for enrollment must appear in person before the Commission for the purpose of an examination under oath. You will therefore understand that if your wife desires to make application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for her to appear in person before the Commission for examination as above stated. Such appearance can be made at the office of the Commission in Muskogee, Indian Territory, at any time prior to the forwarding of the final rolls of citizens of the Choctaw Nation to the Secretary of the Interior for his approval.

Yours truly,

Acting Chairman.

T-D-134
Enc 2

Muskogee, Indian Territory, January 2, 1901.

Mr. T. Davis,

Goodwater, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of December 25th, 1900, enclosing the marriage certificate between T. T. Davis and Miss Mary E. Dawson, and requesting that your wife, Mary E. Davis be enrolled as an intermarried citizen of the Choctaw Nation.

The certificate of your marriage is returned to you herewith, w th the information that the rules and regulations of the Department of the Interior and of this Commission require that each and every applicant for enrollment must appear in person before the Commission for the purpose of an examination under oath. You will therefore understand that if your wife desires to make application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for her to appear in person before the Commission for examination as above stated. Such appearance can be made at the office of the Commission in Muskogee, Indian Territory, at any time prior to the forwarding of the final rolls of citizens of the Choctaw Nation to the Secretary of the Interior for his approval.

Yours truly,

T-D-124 Acting Chairman.

Enc #

Muskogee, Indian Territory, January 10, 1901.

Z. T Davis,

Cerro Gordo, Arkansas.

Dear Sir:

The Commission is in receipt of your letter of the 6th instant relative to the protest filed with this Commission by the legal representatives of the Choctaw Nation to the enrollment of your daughter, Eunice Davis, as a citizen of the Choctaw Nation for taking of such testimony is first served upon the attorneys for the the reason that her name was not included in the act of the Choctaw Council of October 24th, 1888, admitting you and your family to citizenship in the Choctaw Nation.

You state in your letter that if the Commission desires you will go before a Notary Public and make statement to the fact that Eunice's name was included in the petition to the Choctaw Council and in the act of Council admitting you and your family to citizenship in the Choctaw Nation.

You desire further to be informed , if she is denied the right to enrollment as a Choctaw citizen, if you can bring suit against the Choctaw Nation and sue for her enrollment.

You are informed that the Commission will not at this time accept or consider any affidavits that may be submitted by you relative to the rights to enrollment of your child but will hear the oral testimony of any witnesses that you may desire to bring before the Commission for examination, provided that notice of the taking of such testimony is first served upon the attorneys for the

Z T D 2

Acting Chairman.

Choctaw Nation, Messrs Mansfield, McMurray & Cornish, at South McAlester, Indian Territory.

7-D-124

As to whether you can bring suit against the Choctaw Nation if your child is not enrolled, you are informed that the Choctaw Nation is not now empowered to prepare any rolls of citizens thereof. Full authority for the preparation of the final rolls of citizens of the Choctaw Nation has been conferred upon the Commission to the Five Civilized Tribes and should the Commission after a careful consideration of such evidence and testimony as has been submitted in support of the application for enrollment of [redacted] Davis, decide that she was not entitled to recognition and enrollment as a citizen of the Choctaw Nation, such decision would become final when approved by the Secretary of the Interior.

Yours truly,

Acting Chairman.

7-D-124

Muskogee, Indian Territory, May 17, 1901.

Mr. Zach T. Davis,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 21, 1901, in reply to a communication from the Commission under date of November 8, 1900, making inquiry of you relative to J. S. Davis, a resident of Red River County, whose name appears upon census roll of 1896, of the Chickasaw Nation, but who has never made application for enrollment to this Commission. You have the thanks of the Commission for your attention to this matter.

Yours truly,

Acting Chairman.

7-D-124.

Muskogee, Indian Territory, March 28, 1902.

Sherwood Davis,

Cerrogordo, Ark.

Sir:-

The name of J. C. Davis now about sixty-four years of age is found upon the 1896 Choctaw census roll; it appears that he was at that time a resident of Red River County, Indian Territory, bit it does not appear that any application for his enrollment has ever been made to this Commission.

Will you kindly answer the questions below at your earliest convenience and return this letter in the enclosed envelope which requires no postage.

Env.

Yours truly,

Choc-Del.

Reg

Commissioner in Charge.

Q. Do you know J. C. Davis, ? A. _____

Q. Is he living ? A. _____

Q. If so, state his present post office address ? A. _____

Q. If you are unable to give the infromation requested, can you state the name of some person who can do so ? A. _____

Choctaw D 191.
D 192; D 193.

Muskogee, Indian Territory, March 12, 1903.

Zach Davis,

Page, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 2, asking if Burk Davis, Ada Davis and Joe Davis have been enrolled on the final roll as citizens of the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that Joe Davis, Burk Davis and his family and Marshall A. Davis andhis family have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to such enrollment has not yet been determined. As soon as decisions are reached in these cases the applicants will be duly notifiedof the action of the Commission.

Respectfully,

Chairman.

7-D-194

Muskogee, Indian Territory, May 16, 1905.

Z. T. Davis,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 11th, 1905, in which you as to be advised relative to the status of your case.

In reply to your letter you are advised that it appears from our records that Zachary T. Davis has been listed by this Commission among the doubtful claimants to enrollment as a citizen by blood of the Choctaw Nation, but his final right to enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Relative to the selection of your lands at this time your attention is invited to section 15 of the rules and regulations, governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations.

Respectfully,

Inc. Rules for allotment.

Commissioner in Charge.

7-B-124

Muskogee, Indian Territory July 16, 1903.

Z. T. Davis,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 13, asknowledging receipt of the communication of the Commission advising you that you have been listed among the doubtful claimants to enrollment as a citizen of the Choctaw Nation. You state that you do not understand this as you are in possession of a letter from the Commission stating that said Commission was satisfied with your record as a citizen by blood of the Choctaw Nation.

In reply to your letter you are informed that as stated in our letter of May 16, 1903 you and your children have been listed among the doubtful claimants to enrollment as citizens by blood of the Choctaw Nation but that your final rights to such enrollment have not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

You are further informed that it appears from our records that on September 14, 1900 you were informed that the Commission was in possession of sufficient statements of facts in your case upon which to base a decision, and that it would not be necessary for you or your daughter, Eunice Davis, to appear before the Commission at

S T D-2

status in December. The Commission however has not yet rendered an opinion relative to the rights of yourself and family to citizenship in the Choctaw Nation.

Respectfully,

Commissioner in Charge.

South McAlester, Indian Territory, November 9, 1903.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sirs:

The purpose of this letter is to request that the Commission note upon its records that all persons applicant before it, under the Acts of Congress, approved June 28, 1898, May 31, 1900 and July 1, 1902, in pursuance of the Act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting E. T. Davis and family, consisting of his wife, Fannie Davis, and his daughter Rose Ella, and her husband, F. M. Willis and children Sherwood, Annis, Carrie and Buford Davis, are included in the class of contested persons referred to in our general application; that such cases be not disposed of until final decision of the Choctaw and Chickasaw citizenship court in cases pending before it involving parallel questions of law and fact. The persons herein referred to sustain the same ancestry, family relationship and source of right as do the applicants in the Choctaw enrollment cases of Marshall A. Davis, et al., D-191, Burk Davis, et al., D-192, and Joe Davis, D-193, now pending before the Honorable Secretary of the Interior, upon our protest to the decision of the Commission to the Five Civilized Tribes.

Very respectfully,

MANSFIELD, MCMURRAY & CORNISH.

South McAlester, Indian Territory, November 9, 1903.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Dear Sirs:

We were advised by your letter dated October 20, 1903, that on November 12, 1903, the Choctaw enrollment case of Emma Patterson, D-624, would be taken up by the Commission; and that we would be given an opportunity to introduce any additional testimony affecting said application which we might deem proper.

The purpose of this letter is to suggest that this applicant, Emma Patterson, sustains the same ancestry, family relationship and source of right as do the applicants in the Choctaw enrollment cases of Marshall A. Davis, et al., D-191, Burk Davis, et al., D-192 and Joe Davis, D-193.

There is now pending before the Honorable Secretary of the Interior a protest on behalf of the Choctaw and Chickasaw Nations to your action in enrolling the applicants above referred to; and, further more, they are included in our general application for the postponement of final decision in cases of like character until decisions are rendered by the Choctaw and Chickasaw citizenship court, in cases pending before it involving parallel questions of law and fact.

The Commission to the Five Civilized Tribes--2.

The purpose of this letter is to ask that no action be taken in the said Choctaw enrollment case of [redacted] Patterson, D-624, at this time, for the reasons stated.

Very respectfully,

HAWKSFIELD, McMURRAY & CORNISH.

Choctaw 5690

Muskogee, Indian Territory, March 19, 1904.

Z. T. Davis,

Goodwater, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 10, asking why your enrollment has not yet been approved by the Secretary of the Interior.

In reply to your letter you are advised that on July 30, 1903, the Commission rendered its decision enrolling you and your wife and three children as citizens of the Choctaw Nation. On November 9, 1903, the attorneys for the Choctaw and Chickasaw Nations filed a protest in your case and on November 11, 1903, the record in the case, together with the protest of the attorneys for the Choctaw and Chickasaw Nations, was forwarded the Secretary of the Interior. The Commission has not yet been notified of Departmental action in this case.

Respectfully,

Commissioner in Charge.

Choctaw 5890.

Muskogee, Indian Territory, July 20, 1896.

Silas Tiaka,

Idabel, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 16, in which you ask if Zack Davis and his family have been approved by the Secretary of the Interior.

In reply to your letter, you are informed that the Commission has not yet been advised of Departmental action in the matter of the application of Zack Davis and his family for enrollment as citizens of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-1284
7-8690

Muskogee, Indian Territory, August 24, 1904.

E. E. Dyer,

Durant, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 19th inst., requesting to be advised whether Zack Davis and his family, and F. M. Willis, are entitled to allotments in the Choctaw-Chickasaw Nations.

You are advised it appears from our records this Commission rendered its decision admitting Zachary T. Davis, formerly of Cerro-gordo, Arkansas, his wife Mary Elizabeth Davis, and his children, Buford, Anis, and Seemenigh Davis, as citizens by blood of the Choctaw Nation, and on November 9th, 1903, the attorneys for the Choctaw and Chickasaw Nations filed a protest against their enrollment. The record of this Commission in the matter, together with the protest so filed by the attorneys for the Choctaw and Chickasaw Nations, has been forwarded to the Secretary of the Interior, but up to this time the Commission has not been notified of the action taken thereon by the Department.

It further appears that Francis M. Willis, now of Gilliam-ville, Arkansas, is listed for enrollment as an intermarried citizen

of the Choctaw Nation, but his right to final enrollment as such has not yet been determined.

Respectfully,

Chairman.

Cheetaw 5690

Muskogee, Indian Territory, October 25, 1904.

E. T. Davis,

Goodwater, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 18 asking if you have been approved.

In reply you are advised that on July 30, 1903, the Commission to the Five Civilized Tribes rendered its decision granting your application for the enrollment of yourself and your wife and children as citizens by blood of the Cheetaw Nation. On November 9, 1903, the attorneys for the Cheetaw and Chickasaw Nations protested to this action of the Commission and on November 11, 1903, the record in the case, together with the decision of the Commission, and the protest of the attorneys for the Cheetaw and Chickasaw Nations were forwarded the Secretary of the Interior. The Commission has not yet been notified of Departmental action thereon.

The matter of the land referred to in your letter will be made the subject of another communication.

Respectfully,

Chairman.

Choctaw 5690

Muskogee, Indian Territory, June 8, 1908.

Z. T. Davis,

Goodwater, Indian Territory,

Dear Sir:

Receipt is hereby asknowledged of your letter of May 27, asking if the names of yourself and your family have been approved and in reply you are advised that the names of yourself and the other members of your family included in the consolidated case of Zachary T. Davis, et al. have been placed upon schedules of citizens by blood and intermarriage of the Choctaw Nation, which have been forwarded, the Secretary of the Interior for approval. You will be notified when your enrollment has been approved.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, July 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On May 18, 1906, the Commission to the Five Civilized Tribes transmitted for Departmental consideration a schedule constituting part of the final roll of citizens by blood of the Choctaw Nation, numbers 15854 to 15868 inclusive, copies of which have been heretofore returned approved by the Secretary of the Interior, June 12, 1906.

Referring to Buford Davis who appears thereon opposite No. 15865, I have the honor to advise that the sex of this citizen is in error and should be corrected.

On July 3, 1906, Zachary T. Davis, approved roll of citizens by blood of the Choctaw Nation, No. 15854, appeared at the Chickasaw Land Office and from his testimony at that time it developed that his child Buford Davis is a girl.

I have the honor to transmit herewith for the consideration of the Department a copy of the testimony of Zachary T. Davis of July 3, 1906, and to recommend that the sex of this citizen be changed from "male" to "female" upon the schedules

of citizens by blood of the Choctaw Nation in the possession of the Department and the Indian office and that I be authorized to make like change upon such schedules in this office.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Through the Commissioner
of Indian Affairs.

Choctaw 5698.

COPY.

Muskogee, Indian Territory, July 14, 1908.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

There is inclosed herewith for the information of your office copy of letter this day addressed to the Secretary of the Interior recommending change of sex of Buford Davis opposite No. 15865, approved roll of citizens by blood of the Choctaw Nation.

You will be notified when this recommendation is approved by the Department.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

MB 3-14

COPY.

Muskogee, Indian Territory, July 14, 1908.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

There is inclosed herewith for the information of your office copy of letter this day addressed to the Secretary of the Interior recommending change of sex of Buford Davis opposite No. 15868, approved roll of citizens by blood of the Choctaw Nation.

You will be notified when this recommendation is approved by the Department.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

EB 4-14

28/208

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

LLB
August 21, 1905.

D.C. 40486-1905.
I.T.D. 10364-1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 13, 1905, you recommended that the approved roll of citizens by blood of the Choctaw Nation be changed so that the name of Buford Davis, opposite No. 15365 thereon, will appear as female instead of male, it appearing from the testimony of Zachary T. Davis that such correction is necessary.

Reporting August 14, 1905, the Indian Office concurs in your recommendation that such change be made. A copy of its letter is inclosed.

The Department also concurs; it has made said correction upon the proper roll in its possession and has requested the Indian Office to do the same. You are requested to make said correction upon the proper roll in your possession.

Respectfully,

THOS. RYAN,
Acting Secretary

1 inclosure.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land.
55714-1905.

WASHINGTON. August 14, 1905.

(Copy)

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 13, 1905, stating that the word in the sex column opposite the name of Buford Davis, No. 1568, approved roll of citizens by blood of the Choctaw Nation, should be changed from male to female. The Commissioner transmitted a copy of the testimony of Zachary T. Davis, which shows that this change should be made.

It is recommended that the proper correction be made on the rolls on file with the Department, and that this Office nad the Commissioner to the Five Civilized Tribes be authorized to correct their respective records accordingly.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

GAW-H

7-D-908.

Muskogee, Indian Territory, February 15, 1906.

Zachary T. Davis,

Goodwater, Indian Territory.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that on December 24, 1902, one J. C. Davis was listed for enrollment as a citizen by blood of the Choctaw Nation, his name appearing upon the 1896 Choctaw Census Roll as a resident of Red River County. Said Roll also shows that said applicant was the father of Eunice, Carrie, Buford, Zack and Sherwood Davis. It is believed that the said J. C. Davis is identical with yourself inasmuch as you are also the father of children bearing the same names.

This office desires to know whether or not you have ever gone by the name of J. C. Davis, and if not, if you were ever acquainted with anyone bearing said name who was a resident of Red River County in 1896.

Kindly give this matter your immediate attention.

An envelope requiring no postage is enclosed herewith for reply.

Respectfully,

Acting Commissioner.

Encl. Env.

Pauls Valley I T June the 7 1906

Muskogee I. T.

Commission to the five Civilized Tribes I am in Receipt of your Letter of february the 15. mailed to me at goodWater I. T. and ford to Pa ls Valley I T. In Which you Say that on December 24th 1902 one J. C. Davis was Listed for Enrollment as a Citizen By Blood of the Choctaw Nation his name also Appearing on the 1896 Choctaw Census Roll as a Resident of Red River County and that Said Roll also Shows said Applicant J. C. Davis to Be the father of children By the Same names of my own children Surely J. C. must Be for Z. T. Davis my own Self now I never want by the name of J. C. Davis tho some people would ofton call me Jack Davis no I am not acQuainted with anyone Bearing said name who was a Resident of Red River County in 1896 yet I know of Several Davises in Red river County Though I am not personly acquainted with Them.

Respectfully

Z. T. Davis.

T-B-124.

Muskogee, Indian Territory, September 3, 1902.

Z.T. Davis,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Seemanigh Davis, infant son of Z.T. and Mary E. Davis, born July 1, 1902; and the same is returned to you herewith.

You are informed that the mother being a non-citizen, it will be necessary that you furnish the Commission with legal evidence of her marriage to you.

Upon receipt of same, and return of the application for the enrollment of your child, the matter will receive further consideration.

Yours truly,

Enc. B.I. 149. Acting Chairman.

7-B-124.

Muskogee, Indian Territory, September 24, 1903.

Z.T. Davis,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th inst., enclosing the application for enrollment as a citizen of the Choctaw Nation of Seemendgh Davis, infant son of Z.T. and Mary E. Davis, born June 1, 1903; and the same being in proper form has been duly filed with the records of the Commission, as evidence of the birth of this child.

Receipt is also acknowledged of the certificate of marriage between Zack T. Davis and Mary E. Dawson, and the same has been duly filed with the records of the Commission in the matter of the application for the enrollment of the above named child.

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

September 10th 1900.

Mr. Zach Davis,

Cerrogordo, Arkansas.

Dear Sir:-

You have received letters of protest some time ago, protesting against your enrollment and the enrollment of all of your children. This is to correct this as only the enrollment of Eunice is protested by the attorneys of the Choctaw Nation.

Yours truly,

Acting Chairman.

Choctaw-D-124.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Zachary T. Davis,

Seedwater, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Zachary T.Davis, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Anis Davis, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest h has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

IMS. 7/30

7-D-124 7-D-608
7-D-611 7-D-688
7-D-125 7-D-683

COPY.

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the applications for the enrollment of Zachary T. Davis, Rose Ella Robinson, Doda C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Anis Datts, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, as citizens by blood, and of Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts, as citizens by intermarriage, of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Rec. Dec. 13/30.

Choctaw 8690-

Muskogee, Indian Territory, December 22, 1903.

Z. T. Davis,

Goodwater, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 16, asking if you will now be permitted to file on your allotment.

In reply to your letter you are advised that on July 30, 1903, the Commission rendered its decision enrolling Zachary T.Davis his wife, Mary Elizabeth Davis and their children Buford, Anis and Seemenigh Davis, as citizens of the Choctaw nation, but the attorneys for the Choctaw and Chickasaw nations having filed a protest to the enrollment of said persons, the record in this case, together with the decision of the Commission and the protest of the Choctaw and Chickasaw nations, was forwarded to the Secretary of the Interior. The Commission has not yet been advised of any departmental action in this case.

You would not, therefore, at this time, be permitted to make selection of allotments for yourself and the members of your family.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On July 30, 1903, the Commission rendered a decision, enrolling Zachary T. Davis, Rose Ella Robinson, Dede C. Willis, Ethel V. Willis, Katie Lillian Robinson, Maudie R. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Amie Davis, Theodore Winston Davis, Fannie Lucile Bishop and Seemenigh Davis as citizens by blood, and Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts as citizens by intermarriage of the Choctaw Nation. On the same day Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, were furnished a copy of such decision and were advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the action of the Commission in enrolling the applicants enumerated in such decision as citizens of the Choctaw Nation. No protest was filed by the attorneys for the Choctaw and Chickasaw Nations within the fifteen days specified in our letter of July 30, 1903.

On July 3, 1903, the attorneys for the Choctaw and Chickasaw Nations requested that no further action be taken with reference

to the enrollment of or the allotment of lands to persons relying upon acts of the Choctaw National Council and that action be postponed until the final determination by the Choctaw and Chickasaw Citizenship Court of the cases of persons, involving the status of persons relying upon identical ancestry and family relationship.

On September 17, 1903, the attorneys for the Choctaw and Chickasaw Nations transmitted to the Secretary of the Interior, through the Commission, a communication, requesting on behalf of the Choctaw and Chickasaw Nations

> "that the directions to the Commission to the Five Civilized Tribes in the case of Matt Davis, et al, Choctaw R. 384, be extended to all Choctaw and Chickasaw contested citizenship cases pending before it, for the reason stated; that all cases, falling within the classes to which this communication refers, heretofore passed upon by the Commission to the Five Civilized Tribes and now pending before the Honorable Secretary of the Interior, for affirmance or dis-approval of its decisions, be remanded without action; that final decision in those cases not yet passed upon by the Commission to the Five Civilized Tribes, be postponed; and that if, upon examination it should develop that any persons falling within the classes to which this communication refers, have been placed upon the final schedules and approved by the Honorable Secretary of the Interior, no further action be taken, by way of allotment to them or the issuance of allotment certificates."

Under date of November 9, 1903, the attorneys for the Choctaw and Chickasaw Nations requested

> "that the Commission note upon its records that all persons applicant before it, under the acts of Congress, approved June 28, 1898, May 31, 1900 and July 1, 1902, in pursuance of the act of the General Council of the Choctaw Nation, approved October 26, 1883, admitting E. T. Davis and family, consisting of his wife, Fannie Davis, and his daughter, Rose Hills, and her husband, F. M. Willis, and children, Sherwood, Annie, Carrie and Buford Davis, are included in the class of

contested cases referred to in our general application; that such cases be not disposed of until final decision of the Choctaw and Chickasaw Citizenship Court in cases pending before it, involving parallel questions of law and fact."

The persons whose names are included in the decision of the Commission of July 30, 1903, in the case of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, rely for their citizenship upon the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting Z. T. Davis and others to citizenship in the Choctaw Nation.

The Commission, on November 11, 1903, in view of the fact that the records in the matter of the application of Mark Davis, et al., and Marshall A. Davis, et al., were then pending before the Department upon the protest of the attorneys for the Choctaw and Chickasaw Nations and of their specific protest, as contained in their letter of November 9, 1903, forwarded to the Department the record in the matter of the application of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, together with our decision of July 30, 1903.

The Commission is now in receipt of requests by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in the case of Zachary T. Davis, et al., be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs.

Secretary 4

Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket.

Said requests are transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
5 inclosures (W. F. 0690)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON Feb. 26, 1904.

Land.
74437/1903,
10829/1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Zachary T. Davis for the enrollment of himself and his five minor children, Sherwood Davis, Eunice Davis, Carrie Davis, Buford Davis and Anis Davis, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife Fanny Davis, as a citizen by intermarriage of the Choctaw Nation.

It appears from the decision of the Commission that after said application was made, the said Fanny Davis died and that the said Zachary T. Davis subsequently married Mary Elizabeth Dawson, a non-citizen, and that she appeared before the Commission and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation; that subsequent to this marriage they had as issue, Seemmigh Davis, for whose enrollment as a citizen by blood of the Choctaw Nation a written application was made to the Commission and proper proof of birth furnished.

It further appears from the said decision of the Commis-

sion that J. W. Robinson made application for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Rose Ella Robinson (formerly Willis), and her two minor children by her former marriage, Doda C. Willis and Ethel V. Willis, as citizens by blood of the Choctaw Nation; that subsequent to said application there was born to the said J. W. and Rose Ella Robinson two children, Matie Lillian Robinson and Maudie E. Robinson, for both of whom written applications have been submitted to the Commission, asking that they be enrolled as citizens by blood of the Choctaw Nation.

It further appears from said decision that said Sherwood Davis was married since the application for his enrollment was filed, to Laura Willis, a non-citizen, and that she appeared before the Commission and made application for the enrollment of herself as a citizen by intermarriage, and that subsequently thereswas born to the said Sherwood and Laura Davis a child named Theodore Winston Davis, and that application for his enrollment as a citizen by blood of the Choctaw Nation was made before the Commission.

It also appears that the said Eunice Davis subsequent to her application aforesaid, married Hugh A. Bishop, a non-citizen, and that said Bishop thereafter made application for enrollment as a citizen of the Choctaw Nation by intermarriage, and that subsequent thereto a child was born, the issue of said

marriage, named Fannie Lundie Bishop and that an application for her enrollment as a citizen by blood of the Choctaw Nation was filed with the Commission.

It further appears that the said applicant Carrie Davis was, subsequent to the date of her application, married to Joseph J. Roberts, a non-citizen, and that the said Roberts thereafter made application for his enrollment as a citizen of the Choctaw Nation by intermarriage.

The Commission then finds from the record that the applicants, Zachary T. Davis (as Z. T. Davis), Fannie Davis, Rose Ella Robinson (as Rose Ella Willis), Sherwood Davis, Eunice Bishop (as Eunice Davis), Carrie Roberts (as Carrie Davis), and Buford Davis, were admitted to Choctaw Citizenship by an Act of the Choctaw General Council approved October 24, 1888, entitled "An act establishing the citizenship of Z. T. Davis and family", a certified copy of which act is attached to and made a part of the record in the case.

The Commission further finds that the minor applicants, Anis Davis, Doda C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, were all born subsequent to the approval of said act and that their names are not found therein; that the applicants Mary Elizabeth Davis, J. R. Robinson, Laura Davis, Hugh A. Bishop, and Joseph J. Roberts have acquired their rights as citizens by intermarriage of the Choctaw Nation subsequent to the passage of said act.

The Commission further sets out that an examination of the tribal rolls in its possession from the [illegible] of January 1

tribal rolls in its possession shows the names of Zachary T. Davis, Eunice Bishop (as Eunis Davis), Carrie Roberts (as Carnie Davis), Sherwood Davis, Buford Davis (as Bufort Davis), and Anis Davis (as Anna Davis) are identified on the 1893 Choctaw leased District Pay-roll, Red River County, and that the names of Rose Ella Robinson (as Rosella Willis), and Doda C. Willis, are also identified on said 1893 Pay-roll; that the names of Rose Ella Robisnom (as Rose Ella Willis), Doda C. Willis, Sherwood Davis, Eunice Bishop (as Eunice Davis), Carrie Roberts (as Carnie Davis), Buford Davis and Anis Davis (as Zack Davis), are also identified on the 1896 Choctaw census roll as citizens by blood of the Choctaw Nation; that the minor applicants have all been born since the preparation of the last tribal rolls of the Choctaw Nation, but are identified by birth affidavits duly filed with the Commission.

The Commission further finds that all of the applicants, except such as claim by intermarriage and those who were born subsequent to June 28, 1898, were residents in good faith of the Indian Territory on said date; that it appears that Mary Elizabeth Davis was lawfully married to the said Zachary T. Davis on November 2, 1900, and that she has lived with her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902; that the said J. W. Robinson was married to the said Rose Ella Willis in accordance with the lawful customs and usages of the Choctaw Nation on October

14, 1898, the said Rose Ella Willis having been divorced from her former husband, F. M. Willis, on December 15, 1897, and that he has lived with his Choctaw wife in the Choctaw Nation continuously since that date; that the said Laura Davis was lawfully married to the said Sherwood Davis on November 28, 1900 , and that she has lived with her said husband continuously since that time; that the said Hugh A. Bishop was married to Eunice Davis in accordance with the laws, customs and usages of the Choctaw Nation on November 5, 1901, and that he has lived with his said Choctaw wife constinuously since said time; that the said Joseph J. Roberts was married to Carrie Davis in accordance with the laws, customs and usages of the said Nation on September 25, 1900, and that he has lived with his Choctaw wife in the Choctaw Nation continuously since said date.

By reason of the foregoing the Commission is of the opinion that all of the foregoing parties should be enrolled as citizens of the Choctaw Nation in accordance with the provision of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), except the said Fanny Davis who died prior to September 25, 1902, and therefore is not entitled to be enrolled under the provisions of Section 28, of the Act of Congress approved July 1, 1902 (32 Stats., 641).

In their letter of transmittal dated November 11, 1903, the Commission say that on August 7, 1903, they transmitted the original record in the matter of the application of Marshall A. Davis, et al, together with their decision enrolling said

applicants and the protest of the attorneys of the Choctaw and Chickasaw Nations to such action by the Commission; that on the same date they transmitted the record in the matter of the application of Burke Davis, et al, together with the decision of the Commission enrolling the applicants and the protest of said attorneys to such action by the Commission; that on July 30, 1903, the Commission rendered a decision enrolling the applicants as before set out in the case of Zachary T. Davis, et al, and that on the same date said attorneys were furnished a copy of said decision and advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the action of the Commission; that no such protest was filed by the attorneys within said fifteen days.

The Commission further states that these persons enrolled by said last mentioned decision have not been placed upon any schedule constituting a part of the final roll of the citizens of the Choctaw Nation.

It is futher stated by the Commission that on July 8, 1903, said attorneys requested that no further action be taken with reference to enrollment of, or allotment of lands to, persons relying upon acts of the Choctaw National Council and that action be postponed until the final determination by the Choctaw and Chickasaw Citizenship Court of the cases of persons, involving the status of persons relying upon identical ancestry and family relationship; that on September 17, 1903, said at-

torneys transmitted a communication to the Secretary of the Interior through the Commission, requesting in substance that all Choctaw and Chickasaw contested citizenship cases falling within certain clauses, be held without action and on November 9, 1903, said attorneys requested the Commission to note upon its records that certain of these parties named in said communication are inclu ded in the cla.se of contested cases referred to in their general applicatio.n and that such cases be not disposed of until final decision of the Choctaw and Chickasaw Citizenship Courts as aforesaid.

The Commission then say in view of the fact that the records in the matter of the applications of Burke Davis, et al, and Marshall A. Davis, et al, are now pending before the Department upon the protest of said attorneys and on their special protest as contained in their said letter of November 9, 1903, that said record is not held, but is transmitted together with their decision of July 30, 1903.

There is also enclosed herewith a communication from the Commission dated February 6, 1904, in which they call attention to their said decision of July 30, 1903, also to the fact that the attorneys for the Choctaw and Chickasaw Nations were furnished a copy of said decision on the same date and that no protest was filed by them within the time specified, and then to the same matters set out in their said letter of November 11, 1903, and in addition to which the Commission avers that it is now in receipt of reques.s from said attorneys that final de-

cision in the case of Zachary T. Davis, et al, be postponed until the final decision of the case of Mattie E. Armstrong, et al vs the Choctaw and Chickasaw Nations by the Choctaw and Chickasaw Citizenship Court.

Accompanying said communication of said attorneys, are several formal requests for the postponement of the final decision in the cases growing out of the case of Zachary T. Davis, et al until a final decision by the Choctaw and Chickasaw Citizenship Court is had in said Armstrong case, and it is further set out by said attorneys that in that case said Citizenship Court will decide the question of what compliance by the applicants or their ancestors with the 3d or the 14th Articles of the Treaty of 1830 was necessary in order to be entitled to enrollment and to participate in the distribution of the tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved in said Armstrong case.

The attorneys add that their request is filed underauthority granted by the Honorable Secretary of the Interior in his communication to the Commission upon the subject, dated November 18, 1903.

The office has heretofore considered that said citizenship court had no jurisdiction over the question of the admission of citizens who have heretofore been duly admitted to citizenship by an act of the National Council of the Nation, and I am

now unable to see wherein this court had jurisdiction to take up and adjudicate such acts, but inasmuch as it appears that these requests have been filed under Departmental authority, I submit the matter of withholding final action on this case to the Department, but will add that so far as the record in this case shows, all of these parties are clearly entitled to be enrolled as citizens of the Choctaw Nation, and I am unable to see wherein the Choctaw and Chickasaw Nations will derive any benefit from having this case held up awaiting the decision of said Citizenship Court in a matter over which I can in no way see wherein it is possible that it can have jurisdiction by reason of the limitations imposed on said court by the act creating it.

Very Respectfully,

WCR-H

Acting Commissioner.

Muskogee, Indian Territory, November 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On August 7, 1903, the Commission to the Five Civilized Tribes had the honor to transmit the original record in the matter of the application of Marshall A. Davis for the enrollment of himself and his minor children, William Z. Davis, Orie Davis and Marshal Joseph Davis, as citizens of the Choctaw Nation, together with the decision of the Commission enrolling said applicants and the protest of the attorneys for the Choctaw and Chickasaw Nations to the action of the Commission therein. On the same date there was also transmitted the record in the matter of the application of Burk Davis for the enrollment of himself and his wife, Sarah Ann Davis, and their minor children, Lillie M. Davis, Vinan J. Davis, Mary J. Davis, John R. Davis and Sherm Henry Davis as citizens of the Choctaw Nation, together with the decision of the Commission, enrolling said applicants and the protest of the attorneys for the Choctaw and Chickasaw Nations to the action of the Commission therein.

On July 30, 1903, the Commission rendered a decision, enrolling Zachary T. Davis, Rena Ella Robinson, Dora C. Willis,

Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Anis Davis, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis as citizens by blood, and Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts as citizens by intermarriage of the Choctaw Nation. On the same date Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, were furnished a copy of such decision and were advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the action of the Commission in enrolling the applicants enumerated in such decision as citizens of the Choctaw Nation. No such protest was filed by the attorneys for the Choctaw and Chickasaw Nations within the fifteen days specified in our letter of July 30, 1903.

The names of the persons enrolled as citizens by blood and intermarriage in the decision above referred to have not up to this time been placed upon any schedule constituting a part of the final roll of the citizens of the Choctaw Nation, submitted to the Secretary of the Interior for his approval.

On July 8, 1903, Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, requested that no further action be taken with reference to the enrollment of or the allotment of lands to persons relying upon acts of the Choctaw National Council

and that action be postponed until the final determination by the Choctaw and Chickasaw Citizenship Court of the cases of persons, involving the status of persons relying upon identical ancestry and family relationship.

On September 17, 1903, the attorneys for the Choctaw and Chickasaw Nations transmitted to the Secretary of the Interior, through the Commission, a communication, requesting on behalf of the Choctaw and Chickasaw Nations

> "that the directions to the Commission to the Five Civilized Tribes in the case of Matt Davis, et al, Choctaw R. 354, be extended to all Choctaw and Chickasaw contested citizenship cases pending before it, for the reason stated; that all cases, falling within the classes to which this communication refers, heretofore passed upon by the Commission to the Five Civilized Tribes and now pending before the Honorable Secretary of the Interior, for affirmance or dis-approval of its decisions, be remanded without action; that final decision in those cases not yet passed upon by the Commission to the Five Civilized Tribes, be postponed; and that if, upon examination it should develop that any persons falling within the classes to which this communication refers, have been placed upon the final schedules and approved by the Honorable Secretary of the Interior, no further action be taken, by way of allotment to them or the issuance of allotment certificates."

The Commission is now in receipt of a communication from Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, under date of November 9, 1903, in which they

> "request that the Commission note upon its records that all persons applicant before it, under the acts of Congress, approved June 28, 1898, May 31, 1900 and July 1, 1902, in pursuance of the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting Z. T. Davis and family, consisting of his wife, Fannie Davis, and his daughter Rose Ella, and her husband, F. M. Willis, and children, Sherwood, Annie, Carrie and Buford Davis, are included in the class of

contested cases referred to in our general application; that such cases be not disposed of until final decision of the Choctaw and Chickasaw Citizenship Court in cases pending before it, involving parallel questions of law and fact."

The persons, whose names are included in the decision of the Commission of July 30, 1903, in the case of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, rely for their citizenship upon the act of the Choctaw National Council, approved October 24, 1888, admitting Z. T. Davis and others to citizenship in the Choctaw Nation.

In view of the fact that the records in the matter of the applications of Burk Davis, et al., and Marshall A. Davis, et al., are now pending before the Department upon the protest of the attorneys for the Choctaw and Chickasaw Nations and of their specific protest, as contained in their letter of the 9th instant, the record in the matter of the application of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, together with our decision of July 30, 1903, is herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

1 inclosure.

7-5690

Muskogee, Indian Territory, January 5, 1905.

Z. T. Davis,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 30, 1904, asking if your enrollment has been approved by the Department.

In reply to your letter you are informed that on November 11, 1903, the record in the matter of your application for the enrollment of yourself and your children was transmitted to the Secretary of the Interior and the Commission has not yet been advised of Departmental action thereon. As soon as the Commission is informed of Departmental action in your case you will be duly notified.

The matter of the land referred to in your letter has been made the subject of another communication.

Respectfully,

Chairman.

DC.7748-1905 (COPY). WCF. LLB.

DEPARTMENT OF THE INTERIOR,
ITD.1728-1904. WASHINGTON, February 10, 1905.
4009-1904.
5037-1904.
L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

On November 11, 1903, you transmitted the record in the Choctaw enrollment case of Zachary T. Davis et al., including your decision of July 30, 1903, favorable to all the applicants except Fannie Davis, who died prior to September 25, 1902, and whose application you decided should therefore be dismissed.

On January 23, 1904, the attorneys for the Choctaw and Chickasaw Nations submitted a request that final decision be withheld in this case until the Choctaw and Chickasaw Citizenship Court shall have passed upon the case of Mattie Lee Armstrong, in which case it was stated that said court would decide the question of what compliance by the applicants or their ancestors with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participate in the distribution of the tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation.

On June 27, 1904, said attorneys were notified that 10 days from said date would be allowed them within which to submit any argument in the matter that they might desire.

Reporting February 26, 1904, the Acting Commissioner of Indian Affairs stated that in so far as the record in this case

shows all of the parties are clearly entitled to be enrolled as citizens of the Choctaw Nation, and that he was not able to see wherein the Choctaw and Chickasaw Nations would derive any benefit from having the case held up awaiting decision of said Citizenship Court.

On November 28, 1904, said Citizenship Court rendered a decision in the case of Mattie Lee Armstrong, rejecting the applicants in said case without reference to the question of compliance with the third or fourteenth articles of the treaty of 1830.

The Department considers that the applicants herein, with the exception of Fannie Davis, whose application you decided should be dismissed, are entitled to be enrolled. Your decision of July 30, 1903, is therefore affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

Choctaw 5690

COPY.

Muskogee, Indian Territory, February 20, 1905.

Zachary T. Davis,

Woodwater, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 10, 1905, affirmed the decision of this Commission dated July 30, 1903, granting the application for the enrollment of yourself, Buford Davis, Anis Davis and Seemenigh Davis as citizens by blood, and of your wife, Mary Elizabeth Davis, as a citizen by intermarriage, of the Choctaw Nation.

Your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Choctaw 5690
5692 5695
5691 5693

COPY.

Muskogee, Indian Territory, February 20, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of February 10, 1905, affirmed the decision of this Commission, rendered July 30, 1903, granting the application for the enrollment of Zachary T. Davis, Rose Ella Robinson, Doda C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Anis Davis, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis as citizens by blood, and of Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts as citizens by intermarriage, of the Choctaw Nation, and dismissing the application for the enrollment of Fanny Davis.

The names of the applicants, excepting Fanny Davis, will now be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[redacted]

Tams Bixby

Chairman.

Choctaw 5691

Sherwood Davis

5691

Transferred from Choctaw cards #D 124
and D 608

See decision of July 30, 1903 filed with
Choctaw 5690

Protest of Choctaw Nation 11-9-03

Record forwarded Dept 11-11-03

Feb 10, 1905 Decision of Commission
of July 30, 1903 approved by Dept

7-D-608

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. January 16, 1901.

In the matter of the application of Laura Davis for enrollment as an intermarried citizen of the Choctaw Nation. Laura Davis being duly sworn by Commissioner Breckinridge, testified as follows:

Examination by Commissioner Breckinridge.

Q Give me your full name. What is your name? A Laura Davis.
Q How old are you? A Nineteen.
Q What is your post-office. A Goodwater.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you lived in the Choctaw Nation? A About ten or twelve years.
Q Who is it you want to have enrolled as a Choctaw A Myself
Q Are you a Choctaw by blood? A No sir.
Q Intermarried? A Yes sir.
Q You are a white woman are you? A Yes sir.
Q You have lived continuously in the Choctaw Nation for the last ten or twelve years? A Yes sir.
Q What was your name before you married? A Willis.
Q Give me the name of your husband? A Sherwood Davis.
Q How old is your husband? A Twenty two.
Q Is he a Choctaw by blood? A Yes sir.
Q How long has he lived in the Choctaw Nation? A I don't know.
Q Is this your husband here? A Yes sir.

Sherwood Davis being duly sworn by Commissioner Breckinridge, testified as follows:

Q Please give me your name? A Sherwood Davis.
Q You are the husband of this lady here? A Yes sir.
Q How long have you lived in the Choctaw Nation, Mr. Davis?
A About fifteen and sixteen years I reckon.
Q Are you a recognized citizen of the Choctaw Nation? A Yes sir.
Q You are on the rolls of the Nation, are you? A Yes sir.
Q Have you been enrolled by this Commission on the rolls now being made? A Yes sir.
Q When were you enrolled? The past year? A Yes sir, at Sulphur Springs.
Q Enrolled at Sulphur Springs? A Yes sir.
Q Why did you not apply for your wife at that time. Were you married then? A No sir .
Q Married since then? A Yes sir.
Q Give me the name of your father? A Zack Davis.
Q Is he dead? A No sir.
Q Give me the name of your mother? A Fannie Davis.
Q Is she dead? A Yes sir.
Q Where were you born ? A I was born in Arkansas.
Q And did you live in Arkansas until fifteen or sixteen years age? A Yes sir, Arkansas and Texas both. I lived in Texas one year.
Q And then you came here and have lived here ever since? A Yes sir.
Q Was your father a Choctaw by blood? A Yes sir.
Q Was your mother a Choctaw by blood? A No sir.
Q Was she a white woman? A Yes sir.
Q Have you a certificate of marriage showing that you and

your wife have been married? A Yes sir
Q Let me have it please. You were married the 28th of last November, were you? A Yes sir.

The applicant presents a certificate showing that he and his wife were married on the 28th of November 1900 by M. J. Brown, County and Probate Judge, Red River County, Choctaw Nation, which is filed herewith

Q Were you ever married ~~xxxxx~~ except to this wife? A No sir
Q Was she ever married except to you? A No sir.

Sherwood Davis is shown by his card ChoctawNo. D 124 to be on the Choctaw 1896 roll No. 3442 and is shown to have been admitted by act of Council approved October 24th, 1888.

Laura Davis being recalled testified as follows:

Q Mrs. Davis, give me the name of your father, please?
A France Willis.
Q Is he dead? A No sir.
Q Give me the name of your mother? A Sarah.
Q Is she dead? A No sir.
Q Your people make no claim to Choctaw citizenship at all I believe? A Yes sir, my father.
Q Well you do not by blood? A No sir.
Q Is your father a recognized citizen of the Choctaw Nation?
A No sir, he's not. He's intermarried.
Q How does it happen that you make no claim through your father? A I don't know.
Q If he has a good claim as an intermarried citizen, - has his claim ever been allowed? A No sir, he's married a second wife.
Q His second wife is a white woman? A No sir, she's a Choctaw woman.
Q Is his present wife a Choctaw woman? A No sir.
Q Was your mother a Choctaw woman? A No sir, my step mother's a Choctaw woman.
Q Your mother was simply a white woman was she? A Yes sir, they separated.

The decision of the Commission as to this application will be considered from the testimony and evidence and will be made known to the applicant at her post office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 16th day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 17th day of January, 1901.

Guy L. V. Emerson
Notary Public.

7-D-611.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 28, 1901.

In the matter of the application of Mary Elizabeth Davis for enrollment as a citizen, by inter-marriage, of the Choctaw Nation. And said Mary Elizabeth Davis, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Please state your name? A Mary Elizabeth Davis now; it was Mary Elizabeth Hudson at first.
Q What is your age? A I am thirty-nine.
Q Thirty-nine? A Yes sir.
Q What is your post-office address? A Choctaw Nation.
Q What post-office? A Cerro Gordo, Arkansas.
Q You get your mail at Cerro Gordo, Arkansas? A Yes sir.
Q For what purpose do you appear before the Commission at this time? A A I appear before the Commission for the purpose of making application for enrollment as a citizen, by inter-marriage, of the Choctaw Nation.
Q Where do you live Mrs. Davis? A I live in the Choctaw Nation now.
Q At what point in the Choctaw Nation? A Close to Goodwater there; four miles outside of Goodwater.
Q How long have you lived in the Choctaw Nation? A I have been here two years.
Q You moved to this country in the year 1899? A Yes sir.
Q To the Choctaw Nation? A Yes sir.
Q What month? A August.
Q 1899? A Yes; the 29th.
Q Then it has been about a year and a half? A Two years this last gone August.
Q It was in August, 1898, you moved there? A Yes sir.
Q Three years next August? A Yes sir.
Q Where did you live prior to that time? A Little River County Arkansas.
Q Did you ever live in the Choctaw Nation prior to that time? A No sir.
Q What is the name of your father? A William Hudson.
Q William Hudson? A Yes sir.
Q Is he living? A No sir; he is dead.
Q When did he die? A He died in 75.
Q Is your mother living? A No sir, she is dead.
Q What was her name? A. Paralee Hudson.
Q Were your father and mother both white persons? A Yes sir.
Q Made no claim to Indian blood? A Not that I know of.
Q You are not possessed of any Indian blood then yourself, as a matter of fact? A Not as I know of.
Q Have you ever been married more than once? A Twice; this makes twice.
Q Is your first husband living? A No sir; he is dead.
Q When did he die ? A Two years the fifth of February; two years next month.
Q What was his name? A Thomas Dawson.
Q Was he a white man? A Yes sir.
Q When were you married to your present husband? A November 28th, 1900.
Q Where were you married to him? A In the Choctaw Nation.

Q At what place? A Down there close to Choctaw - the other side of Choctaw, in the Nation; I don't know what place you call it.
Q Near what town? A Choctaw Nation was the nearest town; it was ten miles from it.
Q Choctaw Nation was the nearest town? A Yes sir; Choctaw City.
Q Were you married under the Choctaw law, or the United States law A Under the Choctaw law .
Q What is the name of your husband? A This one here.
Q Yes? Zach Davis.
Q You are living with him at the present time? A Yes sir.
Q Have been ever since you were married? A Yes sir.
Q Does he claim to be a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood does your husband claim to have? A I don't know what.
Q About what? A I don't know what part; I never did ask him.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q Does his name appear upon any of the Choctaw tribal rolls? A Yes sir.
Q What rolls? A The rolls at Sulphur Springs.
Q He was enrolled at Sulphur Springs? A Yes sir.
Q When? A Two years ago.
Q. You mean he made application before this Commission for enrollment? A Yes sir.
Q Has your husband, Zach Davis, a middle initial in his name? A Not as I know of; Zach is all I know of.
Q You never heard of it, if he has? A No sir.
Q

1893 census roll of the Choctaw Nation examined, and on page 142 thereof is found the name of Z. D. Davis, age 50, together with his children, Eunice, Davis, Carrie Davis, Buford Davis, Anna Davis and Sherwood Davis, age 15, 18, 8, 7, and 18 respectively.

Choctaw pay-roll of 1893 examined, and on page 19 thereof, are found the names of Zack Davis, Annis Davis, Carrey Davis, Sherwood Davis, Bufert Davis and Anna Davis, aged, 12, 10, 15, 6 and 4, respectively.

An examination of the records of the Commission discloses that on April 24, 1899, Zack Davis, age fifty years, claiming to be our-fourth Choctaw Indian, whose post-office is given as Cerro Gordo, Arkansas, appeared before the Commission and made application for the enrollment of his wife Fanny Davis, age forty-nine, as a citizen by intermarriage of the Choctaw Nation, and himself and his children, Sherwood Davis, Eunice Davis, Carrie Davis, Buford Davis and Annis Davis, aged 21, 17, 15, 11 and 9 years, respectively, their names appearing on Choctaw card Field Number D-124.

Q. Mrs. Davis, have you in your possession your marriage license and certificate covering your marriage to Zach Davis? A Yes sir; he has got them in his pocket.
Q Do you wish to offer them in evidence at this time in support of your application for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.

The marriage certificate, signed by M. J. Brown, County and Provate Judge of Red River County, Choctaw Nation, bearing date of November 28th, [redacted], certifying that on said 28th day of November, 1900, he united in the holy bonds of matrimony M Z. T. Davis, a Choctaw citizen, and Miss Mary Elizabeth Dawson, a United States citizen, according to the laws of the Choctaw Nation, bearing the certificate of Sidney J. Herndon, County Clerk of Red River County, Choctaw Nation; that same had been filed on November 30, 1900, and recorded in docket book number two on page 46, and is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

(Witness excused.)

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Zachary T. Davis, having been first duly sworn, upon his oath states as follows:

Examination by the Commission.

Q Please state your name? A Sir?
Q Please state your full name? A Well Zachary Taylor Davis.
Q What is your age? A I was born in 49, the sixteeneth day of November, as near as I can get at it.
Q What is your post-office address? A Cerro Gordo or Goodwater. Cerro Gordo, Arkansas, and the other is Goodwater, Indian Territory. I live right half way between the two post-offices.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q You live near the Arkansas line, and, for that reason, you get your mail at Cerro Gordo? A Yes sir; I go to mill there a goddeal.
Q Are you the husband of Mary Elizabeth Davis? whom you have just heard make application to this Commission for enrollment as an inter-married citizen of the Choctaw Nation? A Yes sir.
Q When and where were you married to her? A Right down below where I live, about eighteen miles I guess, on John Harris' farm; she was living on his place, about four miles from Arkinda; that is right on the line - Arkinda is right close to the line.
Q You were married to her under the laws of the Choctaw Nation were you? A Yes sir.
Q You claim to be a Choctaw Indian by blood? A Yes sir.
Q What proportion of Choctaw blooddis do you claim to have?
A One-quarter.
Q From whom did you procure your marriage license to marry Mary Elizabeth Dawson? A From Judge Brown; his name is Mike I believe; he is Judge of Red River County.
Q Choctaw County Judge? A Yes sir. He is a full blood Choctaw.
Q On what date were you married? A The twenty-eighth of November 1900.
Q At the time you were married to your present wife, did you know she was married before? A DId I knew that she was? Yes sir.
Q In the marriage certificate which she has offered in evidence in support of her application for enrollment as an inter-married citizen of the Choctaw Nation to-day, her name appears as Miss Mary Elizabeth Dawson? A Well, that was wrong; the Judge just happened to get it wrong; she was married before; she would

be Mistress. It ought to have been Mistress.

Q The error occured by the Judge getting it wrong? A I think that must be it, to the best of my knowledge. He got it wrong, because she was a mistress; she had been married when I married her.

Q Have you ever appeared before this Commission and made application for enrollment as a citizen by blood of the Choctaw Nation. A Why, yes sir.

Q When and where? A At Sulphur Springs.

Q When? A I don't recollect exactly now, it seems to me it has been about - I don't remember whether it was two years ago or not; it was somewhere about that. I have had neuralgia in my head, and it bothers me about my recollection.

Q Well, do you remember under what name you were enrolled A What name I am enrolled?

Q Under what name you made application? A As E. T. Davis. All the time, you know, I signed my name on the pay-roll as Z. T. Davis, and I got used to it, and I wrote my name there.

Q You are sometimes known, and sign your name, as Zach? A Yes sir; that is right.

Q Have you any children, Mr.Davis? A Yes sir.

Q How many? Well, I guess, I will have to count all of them. I have got, Rosa, myeldest living, Sherwood, Eunice, Buford and Annis.

Q Have you a child by the name of Carrie? A. Yes sir, I have got one by the name of Carrie.

Q Is she living? A Yes sir.

Q She married Joe Roberts.

Q At the time you made application to the Commission in 1899 for enrollment, you made application also for your wife, Fanny Davis; is she living? A She is dead.

Q When did she die? A The 11th of last June; let me see - well, the 11th of last June a year ago; that rights.

Q The 11th of June 1899? A Yes sir.

Q That will be two years next June? A Yes sir; the 11th day She will be dead two years.

(By Commission) to applicant, Mary Elizabeth Davis:

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for enrollment as an intermarried citizen of the Chotaw Nation, mailed to you at your proper post-office address?

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilised Tribes, he reported in full the proceedings in the above case, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case.

R S Streit

Subscribed and sworn to before me this 28, day of January, 1901.

Guy L. V. Emerson

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

&

In the matter of the application for the enrollment of Zachary T. Davis, et al., as citizens of the Choctaw Nation consolidating the applications of:

Zachary T. Davis, et al.,	7-D-124
Mary E. Davis,	7-D-611
J. W. Robinson, et al.,	7-D-126
Laura Davis,	7-D-606
Hugh A. Bishop,	7-D-688
Joseph J. Roberts,	7-D-[illegible].

D E C I S I O N.

It appears from the census card and other records in this case that Zachary T. Davis appeared before the Commission at Alikchi, Indian Territory , on April 24, 1899, and made personal application for the enrollment of himself and his five minor children, Sherwood Davis, Eunice Davis, Carrie Davis, Buford Davis and Anis Davis, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Fanny Davis, as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on January 28, 1901, at which time evidence was furnished the Commission of the death, on June 11, 1899, of Fanny Davis, and of the subsequent marriage, on November 28, 1900, of Zachary T. Davis to Mary Elizabeth Dawson, a non-citizen. The said Mary Elizabeth Davis (nee Dawson) appeared before the Commission at this hearing and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation. On June 1, 1902, there was born as the issue of the marriage of Zachary T. Davis and Mary Elizabeth Davis (nee Dawson) Seamonigh Davis, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on September 24, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Mary Elizabeth Davis at Wister, Indian Territory, December 19, 1902.

It further appears from the census card and other records in this case that J. W. Robinson appeared before the Commission at Alikchi, Indian Territory, on April 24, 1899, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Rose Ella Robinson (formerly Willis) and her two minor children, by her former marriage, Dora C. Willis and Ethel V. Willis, as citizens by blood of the Choctaw Nation. Subsequently there was born to J. W. Robinson and Rose Ella Robinson two infant children, as follows: on November 10, 1899, Matie Lillian Robinson, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on May 7, 1900, proper proof of said birth being furnished on said date; and on November 28, 1901, Maudie E. Robinson, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on January 13, 1902, proper proof of said birth being furnished on said date. Further proceedings were had in the matter of the application for the enrollment of J. W. Robinson at Garvin, Indian Territory, on November 27, 1902.

The evidence in this case further shows that the applicant Sherwood Davis was married to Laura Willis, a non-citizen, on November 28, 1900; that the said Laura Davis (nee Willis) appeared before the Commission at Muskogee, Indian Territory, on January 16, 1901, and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation; that on December 5, 1901, there was born as the issue of said marriage, Theodore Winston Davis, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on January 13, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Laura Davis at Wister, Indian Territory, December 17, 1902.

It further appears that the applicant, Eunice Davis, was married to Hugh A. Bishop, a non-citizen, on November 5, 1901; that the said Hugh A. Bishop appeared before the Commission at Muskogee, Indian Territory, on November 19, 1901, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation; and that on August 25, 1902, there was born as the issue of said marriage, Fannie Lundie Bishop, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on September 17, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Hugh A. Bishop at Garvin, Indian Territory, November 26, 1902.

It also appears that the applicant Carrie Davis was married to Joseph J. Roberts, a non-citizen on September 25, 1900, and that the said Joseph J. Roberts appeared before the Commission at Muskogee, Indian Territory, on September 28, 1900, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of the application of Joseph J. Roberts at Garvin, Indian Territory, November 26, 1902.

It further appears from the record in this case that applicants, Zachary T. Davis (as Z.T.Davis) Fanny Davis, Rose Ella Robinson (as Rose Ella Willis), Sherwood Davis, Eunice Bishop (as Anis Davis), Carrie Roberts (as Carrie Davis) and Buford Davis were admitted to Choctaw citizenship by an act of the Choctaw General Council, approved October 24, 1888, entitled "An Act Establishing the Citizenship of Z.T. Davis and Family", a certified copy of said act being attached to and made a part of the record in this case. The minor applicants, Anis Davis, Doda C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, were born subsequent to the approval of said act and their names are not found therein. Applicants, Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts also acquired their rights as citizens by intermarriage of the Choctaw Nation subsequent to the passage of said act.

On an examination of the tribal rolls in the possession of the Commission the names of Zachary T. Davis, Eunice Bishop (as Eunis Davis), Carrie Roberts (as Carnie Davis), Sherwood Davis, Buford Davis (as Bufort Davis) and Anis Daivs (as Anna Davis), are identified on the 1893 Choctaw Leased District pay roll, Red River County, page 19, Nos. 161, 162, 163, 164, 165 and 166, respectively and the names of Rose Ella Robinson (as Rosella Willis) and Doda C. Willis are identified on said 1893 Choctaw Leased District pay roll, Eagle County, Nos. 703 and 704, respectively. The names of Rose Ella Robinson (as Rose Ella Willis), Doda C. Willis, Sherwood Davis, Eunice Bishop (as Eunice Davis), Carrie Roberts (as Carne

Davis) Buford Davis and Anis Davis (as Zac Davis) are also identified on the 1896 Choctaw census roll, Nos. 13562, 13563, 3442, 3438, 3439, 3440 and 3441, respectively, as citizens by blood of the Choctaw Nation. The minor applicants, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Theodore Wingston Davis, Fannie Lundie Bishop and Seemenigh Davis, having been born subsequent to the preparation of the last tribal rolls of the Choctaw Nation, are identified by affidavits of their births duly filed with the Commission and made a part of the record in this case.

It further appears that all the applicants herein, except such as claim by intermarriage, and those who were born subsequent to June 28, 1898, were residents in good faith of Indian Territory on said date, all applicants who were listed on census cards in 1899 being first examined as to such fact, although their testimony was not reduced to writing. The minor applicants herein who were born since June 28, 1898, were born in Indian Territory, and their residence is considered that of their parents.

It further appears from the evidence in this case that applicant Mary Elizabeth Davis (nee Dawson), who claims rights to enrollment as a citizen by intermarriage of the Choctaw Nation, was lawfully married to said Zachary T. Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, on November 28, 1900, and that she has lived with her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is further shown from the evidence in this case that applicant J.W. Robinson, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Rose Ella Willis (nee Davis) a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on October 14, 1898; said Rose Ella Willis having been divorced from her former husband F. M. Willis, on December 15, 1897, proper evidence of said divorce being filed with the Commission on December 29, 1902, and made a part of the record in this case. The record herein further shows that the said J. W. Robinson has lived with his Choctaw wife in the Choctaw Nation continuously since the date of his marriage up to and including September 25, 1902.

The record in this case further shows that applicant Laura Davis (nee Willis), claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was lawfully married to said Sherwood Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, on November 28, 1900, and that she has lived with her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It also appears from the evidence in this case that applicant Hugh A. Bishop, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Eunice Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on November 5, 1901 and that he has lived with his said Choctaw wife in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is further shown from the evidence in this case that applicant Joseph J. Roberts, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Carrie Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said

nation, on September 25, 1900, and that he has lived with his said Choctaw wife in the Choctaw Nation, continuously since said time, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Zachary T. Davis, Rose Ella Robinson, Dora C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Anis Davis, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, should be enrolled as citizens by blood, and Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts should be enrolled as citizens by intermarriage of the Choctaw Nation, in accordance with the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Fanny Davis, who died prior to September 25, 1902, should be dismissed under the provisions of section 28 of the Act of Congress approved July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Presiding Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
JUL 30 1903

(SIGNED). W. E. Stanley.
Commissioner.

COPY. Choctaw-D-608.

Muskogee, Indian Territory, July 30, 1903.

LauraDavis,

Eagletown, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

A. S. Mc[illegible]

Commissioner in Charge.

Registered.

Enc IBS.18/30.

Choctaw 5691

COPY.

Muskogee, Indian Territory, February 20, 1905.

Sherwood Davis,

Goodwater, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 10, 1906, affirmed the decision of this Commission dated July 30, 1903, granting the application for the enrollment of yourself and child, Theodore Winston Davis, as citizens by blood, and of your wife, Laura Davis, as a citizen by intermarriage of the Choctaw Nation, included in the consolidated case of Zachary T. Davis et al.

Your names will now be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

IN RE

Application for Enrollment of

INFANT CHILD

Theodore Winston Davis

as a citizen of the

Choctaw *Nation.*

Approved Jan. 13, *1902*

Commissioner.

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes.
F I L E D
Jan. 13, 1902.

Tams Bixby,

Acting Chairman.

5691

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Theodore Winston Davis, born on the 5, day of Dec., 1901.
(Here insert name of child.)

Name of Father: S. W. Davis, a citizen of the Choctaw Nation.

Name of Mother: Laura Davis, a citizen of the Choctaw Nation.

Post-Office: Goodwater, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Laura Davis, on oath state that I am 21 years of age and a citizen, by Intermarriage, of the Choctaw Nation; that I am the lawful wife of S. W. Davis, who is a citizen, by blood, of the Choctaw Nation, that a male (Male or female.) child was born to me on the 5th, day of Dect. 1901; that said child has been named Theodore Winston Davis, and is now living.

Laura Davis.

WITNESSES TO MARK:

(Must be Two Witnesses.) _____

_____

Subscribed and sworn to before me this 6th, *day of* Jan. *1902.*

W. J. Whiteman.

Notary Public.

Seal

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, N. R. Willis, a Midwife, on oath state that I attended on Mrs. Laura Davis, wife of S. W Davis, on the 5th, day of Dec., 1901; that there was born to her on said date a male (Male or female.) child; that said child is now living and is said to have been named Theodore Winston Davis.

N. R. Willis.

WITNESSES TO MARK:

(Must be Two Witnesses.) _____

_____

Subscribed and sworn to before me this 6th, *day of* Jan. *1902.*

W. J. Whiteman.

Notary Public.

Seal

Muskogee, Indian Territory, January 15, 1904.

S. W. Davis,

Overbrook, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Chickasaw Nation, of Theodore Winston Davis, the infant son of S. W. and Laura Davis, born December 8, 1901, and the same being in proper form has been accepted and filed by the Commission as evidence of the birth of this child.

Yours truly,

Commissioner in Charge.

7-D-134

7-8691.

Muskogee, Indian Territory, February 6, 1904.

Sherwood Davis,

Eagletown, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and your minor child, Theodore Winston Davis, as citizens by blood, and for the enrollment of your wife, Laura Davis, as a citizen by intermarriage of the Choctaw Nation, you are advised that the attorneys for the Choctaw and Chickasaw Nations have this day transmitted through the Commission to the Honorable Secretary of the Interior a request that final decision in your case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On July 30, 1903, the Commission rendered a decision, enrolling Zachary T. Davis, Rose Ella Robinson, Reda C. Willis, Ethel V. Willis, Katie Lillian Robinson, Maudie M. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Anis Davis, Theodore Winston Davis, Fannie Lundie Bishop and Seemeigh Davis as citizens by blood, and Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts as citizens by intermarriage of the Choctaw Nation. On the same day Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, were furnished a copy of such decision and were advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the action of the Commission in enrolling the applicants enumerated in such decision as citizens of the Choctaw Nation. No protest was filed by the attorneys for the Choctaw and Chickasaw Nations within the fifteen days specified in our letter of July 30, 1903.

On July 6, 1903, the attorneys for the Choctaw and Chickasaw Nations requested that no further action be taken with reference

to the enrollment of or the allotment of lands to persons relying upon acts of the Choctaw National Council and that action be postponed until the final determination by the Choctaw and Chickasaw Citizenship Court of the cases of persons, involving the status of persons relying upon identical ancestry and family relationship.

On September 17, 1903, the attorneys for the Choctaw and Chickasaw Nations transmitted to the Secretary of the Interior, through the Commission, a communication, requesting on behalf of the Choctaw and Chickasaw Nations

> "that the directions to the Commission to the Five Civilized Tribes in the case of Watt Davis, et al, Choctaw R. 386, be extended to all Choctaw and Chickasaw contested citizenship cases pending before it, for the reason stated; that all cases, falling within the classes to which this communication refers, heretofore passed upon by the Commission to the Five Civilized Tribes and now pending before the Honorable Secretary of the Interior, for affirmance or dis-approval of its decisions, be remanded without action; that final decision in these cases not yet passed upon by the Commission to the Five Civilized Tribes, be postponed; and that if, upon examination it should develop that any persons falling within the classes to which this communication refers, have been placed upon the final schedules and approved by the Honorable Secretary of the Interior, no further action be taken, by way of allotment to them or the issuance of allotment certificates."

Under date of November 9, 1903, the attorneys for the Choctaw and Chickasaw Nations requested

> "that the Commission note upon its records that all persons applicant before it, under the acts of Congress, approved June 28, 1898, May 31, 1900 and July 1, 1902, in pursuance of the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting S. T. Davis and family, consisting of his wife, Fannie Davis, and his daughter, Rose Hila, and her husband, F. M. Willis, and children, Sherwood, Annie, Carrie and Buford Davis, are included in the class of

contested cases referred to in our general application; that such cases be not disposed of until final decision of the Choctaw and Chickasaw Citizenship Court in cases pending before it, involving parallel questions of law and fact."

The persons whose cases are included in the decision of the Commission of July 30, 1903, in the case of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, rely for their citizenship upon the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting T. T. Davis and others to citizenship in the Choctaw Nation.

The Commission, on November 11, 1903, in view of the fact that the records in the matter of the application of Burk Davis, et al., and Marshall A. Davis, et al., were then pending before the Department upon the protest of the attorneys for the Choctaw and Chickasaw Nations and of their specific protest, as contained in their letter of November 9, 1903, forwarded to the Department the record in the matter of the application of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, together with our decision of July 30, 1903.

The Commission is now in receipt of requests by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in the case of Zachary T. Davis, et al., be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs.

Secretary 4

Choctaw and Chickasaw Nations, No. 89 on the Tishomingo Docket.

Said requests are transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
8 inclosures (W. F. 5480)

7-5691

Muskogee, Indian Territory, October 4, 1904.

Sherwood Davis,

Goodwater, Indian Territory.

Dear Sir:-

Referring to your letter of September 28, 1904, requesting information relative to the approval of your enrollment, you are advised that the Commission has not yet passed upon the application for the enrollment of Sherwood Davis and his minor son Theodore W. Davis as citizens by blood of the Choctaw Nation, and of his wife Laura Davis as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

7-0691

Muskogee, Indian Territory, July 12, 1905.

J. H. Jackson,
Attorney at Law.
De Queen, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 6, 1905, in reference to the application for the enrollment of Thermon Davis, daughter of Sherwood and Laura Davis; you state that as you understand the law, all infants born prior to March 3, 1905, are entitled to enrollment and as the parents of this child desire to file his allotment near their own, they wish to be furnished the necessary blanks to be executed in the matter of the enrollment of this child.

In reply to your letter you are advised that it appears from the records of this office that on May 1, 1905 there were received the affidavits of Laura Davis and W. H. McBrayer to the birth of Thermon Davis, son of Sherwood and Laura Davis, August 5, 1903.

The enrollment of Sherwood and Laura Davis, however, was not approved by the Secretary of the Interior until June 12, 1905, and under the provisions of the act of Congress approved March 3, 1905, the Commission to the Five Civilized Tribes was authorized to receive applications for the enrollment of children born prior to March 4, 1905, to citizens by

J. H. J. #2

blood whose enrollment had prior to that time been approved by the Secretary of the Interior. The enrollment of Sherwood and Laura Davis not having been approved until after that time you will see that the Commission to the Five Civilized Tribes was without authority to enroll Thurson Davis.

Respectfully,

Commissioner.

Choctaw 5692

Hugh A. Bishop

5692

See 5690

Transferred from Choc Cards #D 688 and D 124

See decision of July 30, 1903 filed with Choc 5690

Protest of Choctaw Nation 11-9-03
Record forwarded Dept 11-11-03

2-10-05 Decision of Commission of 7-30-03 approved by Dept

Enclosure 5078.

Muskogee, Indian Territory, April 27, 1906.

W. J. Whiteman,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 18, transmitting the affidavits of Eunice Bishop and W. H. McBrayer to the birth of Clara and Clarance Bishop, twin children of Hugh A. and Eunice Bishop, January 28, 1904.

It appears from our records that the enrollment of Hugh A. Bishop and Eunice Bishop has not yet been approved by the Secretary of the Interior, and the Commission is authorized under the provisions of the Act of Congress approved March 3, 1905, to receive applications for the enrollment of children born to citizens by blood of the Choctaw and Chickasaw Nations whose enrollment had prior to that date been approved by the Secretary of the Interior. You will therefore see that the Commission is without authority to enroll these children.

Respectfully,

Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, November 19, 1901.

In the matter of the application of Hugh A. Bishop, for enrollment as a citizen by intermarriage of the Choctaw Nation. Hugh A. Bishop being first duly sworn by Acting Chairman Bixby, testified as follows:

Examination bybthe Commission.

Q What is your name? A Hugh A. Bishop.
Q What is your age? A Twenty-four.
Q Where do you live? A Red River County.
Q What is your post-office address? A Goodwater.
Q What nation is that in? A Choctaw.
Q How long have you lived there? A Three years.
Q Maintained a continuous residence there for the last three years? A Yes sir.
Q Where did you live before that? A Arkansas.
Q Born and raised in Arkansas? A Yes sir.
Q What is your father's name? A Solon B. Bishop.
Q Is your father living? A Yes sir.
Q What is yo r mother's name? A Nannie E. Bishop.
Q Is your mother living? A Yes sir.
Q Your father and mother both white people? A Yes sir.
Q Did either one of them ever claim any rights as citizens by blood of any of the Five Civilized Tribes of the Indian Territory?
A No sir.
Q Are you a white man? A Yes sir.
Q Have you ever made any claim to citizenship by blood in any of the Five Tribes? A No sir.
Q The application you are making now is for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of the Choctaw woman to whom you are now married? A Eunice Davis.
Q What is the name of her father? A Zack Davis.
Q Where does she live? A Red River County.
Q What is her mother's name? A Her mother's dead before I got acquainted with her.
Q How old is she? A Twenty.
Q Was she an enrolled citizen of the Choctaw Nation. A Her family were. They got her name wrong when they enrolled it is my understanding. It was an error when she enrolled. They didn't get her name right. They got her name but they got it Annie.

The name of Eunice Davis, 17 years of age, appears as an applicant for enrollment before this Commission, such application having been made by her father, Zack Davis, April 24, 1899 and her name appears upon the records of the Commission on Choctaw roll card, field No. D 124.

Q When did you marry Eunice Davis? A The 5th of November.
Q Where? A At Judge Brown's.
Q Were you married under Choctaw license? A Yes sir.
Q Have you your marriage license and certificate? A Yes sir.

The applicant here offers in evidence and there is marked exhibit "A", filed and made a part of the record in this application, a petition of H. A. Bishop, a citizen of the United States, for a license to marry Eunice May Davis, a citizen of the Choctaw Nation. Also the marriage license issued by Sidney J. Herndon, County Clerk of Red River County, Choctaw Nation to Hugh A. Bishop to marry Eunice May Davis, the same being dated November 4, 1901, and the certificate of B. J. Brown, County and Probate Judge of Red River County, Choctaw Nation, as to the marriag of Hugh A. Bishop, a citizen of the United States and Eunice May Davis, a citizen of the Choctaw Nation on the 5th day of November, 1901, the same being recorded in Deakey Book 2 page 67 of the records of Red River County, Choctaw Nation.

Q Were you ever married to Eunice May Davis before you were married to her under this Choctaw license? A No sir.
Q Were you ever married to any other person before you were married to her? A No sir.
Q Had she ever been married before her marriage to you? A No sir.
Q The only marriage existing between you and Eunice May Davis is the marriage under this Choctaw license issued November 4, 1901?
A Yes sir.
Q You are living with her at this time? A Yes sir.
Q How much did you pay for this license? A I paid one hundred dollars.

The decision of the Commission as to your application for enrollment as a citizen by intermarriage of the Choctaw Nation will be determined at the earliest possible date and you will be notified of such action as the Commission may take relative thereto.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of November, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 21st day of November, 1901.

Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
At Garvin, Indian Territory, November 26, 1902.

Choctaw D 688.
Intermarried?

In the matter of the application of Hugh A. Bishop for enrollment as an intermarried citizen of the Choctaw Nation?

Hugh A. Bishop, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Hugh A. Bishop.
Q What is your age? A Twenty five.
Q What is your post office address? A Goodwater, Indian Territory
Q What is in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A Four years.
Q Have you lived here continuously for the past four years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Eunice Davis.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to Eunice Davis? A November 5, 1901.
Q Where was this marriage ceremony performed? A At Judge Brown's house.
Q In the Choctaw Nation? A Yes sir.
Q At that time were both you and your wife residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q From whom did you procure your marriage license? A S.J.Herndon.
Q How much did you pay for the license? A One hundred dollars.
Q Who performed the marriage ceremony? A Judge Brown.
Q Were you ever married before your marriage to Eunice Davis? A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Since that marriage in 1901 have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation of any kind whatsoever? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

---oOo---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 22 day of January 1903.

Chas W. Lawson
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
At Garvin, Indian Territory, November 26, 1902.

Choctaw D 688.
Intermarried?

In the matter of the application of Hugh A. Bishop for enrollment as an intermarried citizen of the Choctaw Nation?

Hugh A. Bishop, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Hugh A. Bishop.
Q What is your age? A Twenty five.
Q What is your post office address? A Goodwater, Indian Territory
Q What is in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A Four years.
Q Have you lived here continuously for the past four years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Eunice Davis.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to Eunice Davis? A November 5, 1901.
Q Where was this marriage ceremony performed? A At Judge Brown's house.
Q In the Choctaw Nation? A Yes sir.
Q At that time were both you and your wife residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q From whom did you procure your marriage license? A S.J.Herndon.
Q How much did you pay for the license? A One hundred dollars.
Q Who performed the marriage ceremony? A Judge Brown.
Q Were you ever married before your marriage to Eunice Davis? A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Since that marriage in 1901 have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation of any kind whatsoever? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

---oOo---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and swore to before me this 22 day of January 1903.

Charles W. Raymond
Notary Public.

DEPARTMENT OF THE INTERIOR. COPY.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Zachary T. Davis, et al., as citizens of the Choctaw Nation, consolidating the applications of:

Zachary T. Davis, et al.,	7-D-124
Mary E. Davis,	7-D-611
J.W. Robinson, et al.,	7-D-125
Laura Davis,	7-D-608
Hugh A. Bishop,	7-D-688
Joseph J. Roberts,	7-D-585.

D E C I S I O N.

It appears from the census card and other records in this case that Zachary T. Davis appeared before the Commission at Alikchi, Indian Territory, on April 24, 1899, and made personal application for the enrollment of himself and his five minor children, Sherwood Davis, Eunice Davis, Carrie Davis, Buford Davis and Anis Davis, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Fanny Davis, as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on January 28, 1901, at which time evidence was furnished the Commission of the death, on June 11, 1899 of Fanny Davis, and of the subsequent marriage on November 22, 1900, of Zachary T. Davis to Mary Elizabeth Dawson, a non-citizen. The said Mary Elizabeth Davis (nee Dawson) appeared before the Commission at this hearing and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation. On June 1, 1902, there was born as the issue of the marriage of Zachary T. Davis and Mary Elizabeth Davis (nee Dawson) Seemenigh Davis, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on September 24, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Mary Elizabeth Davis at Wister, Indian Territory, December 19, 1902.

It further appears from the census card and other records in this case that J. W. Robinson appeared before the Commission at Alikchi, Indian Territory, on April 24, 1899 and made personal application for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Rose Ella Robinson (formerly Willis) and her two minor children by her former marriage, Doda C. Willis and Ethel V. Willis as citizens by blood of the Choctaw Nation. Subsequently there was born to J. W. Robinson and Rose Ella Robinson two infant children, as follows: On November 10, 1899, Matie Lillian Robinson, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on May 7, 1900, proper proof of said birth being furnished on said date; and on November 28, 1901, Maudie Ray Robinson, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on January 13, 1902,

proper proof of said birth being furnished on said date. Further proceedings were had in the matter of the application for the enrollment of J. W. Robinson at Garvin, Indian Territory, on November 27, 1902.

The evidence in this case further shows that the applicant Sherwood Davis was married to Laura Willis, a non-citizen, on November 28, 1900; that the said Laura Davis (nee Willis) appeared before the Commission at Muskogee, Indian Territory, on January 16, 1901, and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation, that on December 5, 1901, there was born as the issue of said marriage, Theodore Winston Davis for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on January 13, 1902. proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Laura Davis at Wister, Indian Territory, December 17, 1902.

It further appears that the applicant, Eunice Davis, was married to Hugh A. Bishop a non-citizen on November 5, 1901; that the said Hugh A. Bishop appeared before the Commissionat Muskogee, Indian Territory, on November 19, 1901, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation; and that on August 25, 1902, there was born as the issue of said marriage, Fannie Lundie Bishop, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on September 17, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Hugh A. Bishop at Garvin, Indian Territory, November 28, 1902.

It also appears that the applicant Carrie Davis was married to Joseph J. Roberts, a non-citizen, on September 25, 1900, and that the said Joseph J. Roberts appeared before the Commission at Muskogee, Indian Territory, on September 28, 1900, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of the application of Joseph J. Roberts at Garvin, Indian Territory, November 26, 1902.

It further appears from the record in this case that applicants, Zachary T. Davis (as Z. T. Davis), Fanny Davis, Rose Ella Robinson (as Rose Ella Willis), Sherwood Davis, Eunice Bishop (as Anis Davis), Carrie Roberts (as Carrie Davis) and Buford Davis were admitted to Choctaw citizenship by an act of the Choctaw General Council, approved October 24, 1888, entitled "An Act Establishing the Citizenship of Z. T. Davis and Family", a certified copy of said act being attached to and made a part of the record in this case. The minor applicants, Anis Davis, Doda C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, were born subsequent to the approval of said act and their names are not found therein. Applicants, Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts also acquired their rights as citizens by intermarriage of the Choctaw Nation subsequent to the passage of said act.

On an examination of the tribal rolls in the possession of the Commission the names of Zachary T. Davis, Eunice Bishop (as Eunis Davis), Carrie Roberts (as Carnie Davis), Sherwood Davis, Buford Davis (as Bufort Davis) and Anis Davis (as Anna Davis,), are identified on the 1893 Choctaw Leased District pay roll, Red River County, page 19, Nos. 161, 162, 163, 164, 165 and 166, respectively and the names of Rose Ella Robinson (as Rosella Willis) and Doda C. Willis are identified on said 1893 Choctaw Leased District pay roll Eagle County, Nos. 703 and 705, respectively. The names of Rose Ella Robinson (as Rosa Ella Willis), Doda C. Willis, Sherwood Davis, Eunice Bishop (as Eunice Davis) Carrie Roberts (as Carne Davis), Buford Davis and Anis Davis, (as Zach Davis) are also identified on the 1896 Choctaw census roll, Nos. 13 62, 13563, 3442, 3438, 3439, 3440 and 3441, respectively, as citizens by blood of the Choctaw Nation. The minor applicants, Ethel M. Willis, Matie Lillian Robinson, Maudie E. Robinson, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, having been born subsequent to the preparation of the last tribal rolls of the Choctaw Nation, are identified by affidavits of their births duly filed with the Commission and made a part of the record in this case.

It further appears that all the applicants herein, except such as claim by intermarriage, and those who were born subsequent to June 28, 1898, were residents in good faith of Indian Territory on said date, all applicants who were listed on census cards in 1899 being first examined as to such fact, although their testimony was not reduced to writing. The minor applicants herein who were born since June 28, 1898, were born in Indian Territory, and their residence is considered that of their parents.

It further appears from the evidence in this case that applicant Mary Elizabeth Davis (nee Dawson), who claims rights to enrollment as a citizen by intermarriage of the Choctaw Nation, was lawfully married to said Zachary T. Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, on November 28, 1900, and that she has lived with her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is further shown from the evidence in this case that applicant J. W Robinson, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Rose Ella Willis (nee Davis), a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on October 14, 1893; said Rose Ella Willis having been divorced from her former husband, F. M. Willis, on December 15, 1897, proper evidence of said divorce being filed with the Commission on December 29, 1902, and made a part of the record in this case. The record herein further shows that the said J.W. Robinson has lived with his Choctaw wife in the Choctaw Nation continuously since the date of his marriage up to and including September 25, 1902.

The record in this case further shows that applicant Laura Davis (nee Willis), claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was lawfully married to said Sherwood Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, on November 28, 1900, and that she has lived with her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It also appears from the evidence in this case that applicant Hugh A. Bishop, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Eunice Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on November 5, 1901 and that he has lived with his said Choctaw wife in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is further shown from the evidence in this case that applicant Joseph J. Roberts, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Carrie Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on September 25, 1900, and that he has lived with his said Choctaw wife in the Choctaw Nation, continusously since said time, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Zachary T. Davis, Rose Ella Robinson, Doda C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Anis Davis, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, should be enrolled as citizens by blood and Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts should be enrolled as citizens by intermarriage of the Choctaw Nation, in accordance with the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Fanny Davis, who died prior to September 25, 1902, should be dismissed under the provisions of section 28 of the Act of Congress approved July 1, 1902, (32 Stats., 641) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED). Tams Bixby.
Acting Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory.
JUL 30 1903

(SIGNED). W. E. Stanley.
Commissioner.

Choctaw 5692

COPY.

Muskogee, Indian Territory, February 20, 1905.

Hugh A. Bishop,

Goodwater, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 10, 1905, affirmed the decision of this Commission dated July 30, 1903, granting the application for the enrollment of yourself, as a citizen by intermarriage, and of your wife, Eunice Bishop and child, Fannie Lundie Bishop, as citizens by blood, of the Choctaw Nation, included in the consolidated case of Zachary T. Davis et al.

Your names will now be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Choctaw-D-688.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Hugh A. Bishop,

Goodwater, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. IBS. 12/30

Enclosed

20

IN RE

Application for Enrollment of

INFANT CHILD

Fannie Lucile Bishop

as a citizen of

Choctaw **Nation.**

Approved Sept 17 1902 **190**

Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes

Filed
Sept 17 1902

Acting Chairman

Choctaw 5692.

BIRTH AFFIDAVIT. 20

Copy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of Fannie Lundie Bishop (Here insert name of child), born on the 22nd day of Aug, 1902.

Name of Father: Hugh A Bishop a citizen of the Choctaw Nation.

Name of Mother: Annie Bishop a citizen of the Choctaw Nation.

Post-office Goodwater I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Central District.

I, Annie Bishop, on oath state that I am 21 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of Hugh A Bishop, who is a citizen, by Intermarriage, of the Choctaw Nation; that a Female (male or female.) child was born to me on 22nd day of August 1902; that said child has been named Fannie Lundie Bishop, and is now living.

Annie Bishop

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 13th *day of* Sept 1902

(Seal) A W Tilman NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central District,

I, H H McBrayer, a M D, on oath state that I attended on Mrs. Annie Bishop, wife of Hugh A Bishop on the 22nd day of August, 1902, that there was born to her on said date a Female (male or female.) child; that said child is now living and is said to have been named Fannie Lundie Bishop.

H H McBrayer M D.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 18 *day of* Sept 1902

(Seal) M J Whitman NOTARY PUBLIC.

7-B-134.

Muskogee, Indian Territory, September 27, 1902.

Hugh A. Bishop,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Fannie Lundie Bishop, infant daughter of Hugh A. and Eunice Bishop, born August 25, 1902; and the same being in proper form has been duly accepted and filed as evidence of the birth of this child.

Yours truly,

Acting Chairman.

7-5692.

Muskogee, Indian Territory, February 6, 1904.

Hugh A. Bishop,

Goodwater, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your wife, Eunice Bishop, and your minor child, Fannie Lundie Bishop, as citizens by blood, of the Choctaw Nation, you are advised that the attorneys for the Choctaw and Chickasaw Nations have this day forwarded through the Commission to the Honorable Secretary of the Interior a request that final decision in your case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On July 30, 1903, the Commission rendered a decision, enrolling Zachary T. Davis, Rose Ella Robinson, Dora C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Amis Davis, Theodore Winston Davis, Fannie Lundie Bishop and Seewenigh Davis as citizens by blood, and Mary Elizabeth Davis, J. T. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts as citizens by intermarriage of the Choctaw Nation. On the same day Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, were furnished a copy of such decision and were advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the action of the Commission in enrolling the applicants enumerated in such decision as citizens of the Choctaw Nation. No protest was filed by the attorneys for the Choctaw and Chickasaw Nations within the fifteen days specified in our letter of July 30, 1903.

On July 8, 1903, the attorneys for the Choctaw and Chickasaw Nations requested that no further action be taken with reference

to the enrollment of or the allotment of lands to persons relying upon acts of the Choctaw National Council and that action be postponed until the final determination by the Choctaw and Chickasaw Citizenship Court of the cases of persons, involving the status of persons relying upon identical ancestry and family relationship.

On September 17, 1903, the attorneys for the Choctaw and Chickasaw Nations transmitted to the Secretary of the Interior, through the Commission, a communication, requesting on behalf of the Choctaw and Chickasaw Nations

> "that the directions to the Commission to the Five Civilized Tribes in the case of Matt Davis, et al, Choctaw R. 354, be extended to all Choctaw and Chickasaw contested citizenship cases pending before it, for the reason stated; that all cases, falling within the classes to which this communication refers, heretofore passed upon by the Commission to the Five Civilized Tribes and now pending before the Honorable Secretary of the Interior, for affirmance or dis-approval of its decisions, be remanded without action; that final decision in those cases not yet passed upon by the Commission to the Five Civilized Tribes, be postponed; and that if, upon examination it should develop that any persons falling within the classes to which this communication refers, have been placed upon the final schedules and approved by the Honorable Secretary of the Interior, no further action be taken, by way of allotment to them or the issuance of allotment certificates."

Under date of November 9, 1903, the attorneys for the Choctaw and Chickasaw Nations requested

> "that the Commission note upon its records that all persons applicant before it, under the acts of Congress, approved June 28, 1898, May 31, 1900 and July 1, 1902, in pursuance of the act of the General Council of the Choctaw Nation, approved October 24, 1896, admitting L. T. Davis and family, consisting of his wife, Fannie Davis, and his daughter, Rose Killa, and her husband, F. M. Willis, and children, Sherwood, Annie, Carrie and Buford Davis, are included in the class of

contested cases referred to in our general application; that such cases be not disposed of until final decision of the Choctaw and Chickasaw Citizenship Court in cases pending before it, involving parallel questions of law and fact."

The persons whose names are included in the decision of the Commission of July 30, 1903, in the case of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, rely for their citizenship upon the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting Z. T. Davis and others to citizenship in the Choctaw Nation.

The Commission, on November 11, 1903, in view of the fact that the records in the matter of the application of Burk Davis, et al., and Marshall A. Davis, et al., were then pending before the Department upon the protest of the attorneys for the Choctaw and Chickasaw Nations and of their specific protest, as contained in their letter of November 9, 1903, forwarded to the Department the record in the matter of the application of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, together with our decision of July 30, 1903.

The Commission is now in receipt of requests by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in the case of Zachary T. Davis, et al., be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs.

Secretary [illegible]

Cheshire and Pichaway Nations, No. 26 on the Tishomingo Docket.
Said requests are transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
3 inclosures (W. P. 3680)

Choctaw 5693
Joseph J. Roberts

5693

Transferred from Choc CARDS D 583
and D 124

See decision of July 30, 1903

Feb 10, 1903 Decision of The Commission of
July 30, 1903 granting applications
approved by Department

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SEPTEMBER 26, 1900, MUSKOGEE, I.T.

* * * * * * * * *

In the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of Joseph J. Roberts, Joseph J. Roberts, being first duly sworn, testified as follows:

(By the Commission)

Q What is your name? A Joseph J. Roberts.
Q What is your age? A 27.
Q What is your post office address? A Goodwater, Indian Territory.
Q Are you a resident of the Indian Territory? A Yes sir.
Q How long have you resided in the Indian Territory? A 6 years.
Q Have you had a continuous residence in the Indian Territory during that time? A Yes sir.
Q What is your father's name? A Henry F. Roberts.
Q Is your father living? A Yes sir.
Q What is your mother's name? A My mother's dead.
Q What is her name? A Matilda.
Q Matilda Roberts? A Yes sir.
Q Your mother living? A No sir.
Q Your parents are both white people? A Yes sir.
Q Have you ever made any claim to Indian citizenship? A No sir.
Q Have you any Indian blood in your veins? A No sir.
Q You a white man? A Yes sir.
Q Citizen of the United States? A Yes sir.
Q You are now making application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What was the maiden name of your wife? A Carrie.
Q Her full name? A That is all, she just had one name.
Q Carrie what? A Carrie Davis.
Q How old is Carrie Davis? A She is 17, I think, I am not real certain.
Q What is your wife's father's name? A Zachariah T. Davis.
Q What is your wife's mother's name? A I do not know, sir. She has been dead several years. I did not know her.
Q Where did your wife's parents live? A Near Goodwater, 4 miles.

The records of the Commission examined, and the name of Carrie Davis, 15 years of age, and the daughter of Zachariah and Fannie Davis, appears upon Choctaw Roll Card, Field No. D-124.

The rights of your wife to enrollment as a citizen of the Choctaw Nation, has not been fully determined by this Commission. There is a question existing as to her final enrollment.

Q How did your wife become a citizen of the Choctaw Nation?
A Why, I don't know. By blood.
Q Do you know, as a matter of fact, whether she was ever adopted by an act of the Council of the Choctaw Nation? A I do not know it as a fact, myself. I suppose so.
Q When were you married? A The 25th of September, last Tuesday.
Q 1900? A Yes sir.
Q Where were you married? U
A Up at their home near Goodwater, at Zachariah Davis'.
Q Married in accordance with the laws of the Choctaw Nation?

A Yes sir.
Q By whom? A M. J. Brown, County Judge of Red River County.
Q Have you your marriage license and certificate with you that you now desire to offer in evidence?

A certified copy of the petition of Joseph J. Roberts to obtain a marriage license under the laws of the Choctaw Nation, and a certified copy of the marriage license issued by the County Clerk of Red River County, Choctaw Nation, to Joseph J. Roberts and Carrie Davis, and certified copy of certificate of marriage between Joseph J. Roberts and Carried Davis, offered in evidence, marked exhibit A and made a part of the record in this case.

Q Is there any additional statement that you want to make, sir?
A No sir.

The decision of the Commission as to your application for enrollment as an intermarried citizen of the Choctaw Nation will be mailed to you in writing, stating fully the reason therein for any action that the Commission may take in your case.

Kate De Bord, having been first duly affirmed states, that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause, on the 28th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Kate De Bord

Subscribed and affirmed to before me this 2 day of October 1900.

Guy L. Emerson
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, Indian Territory, November 26, 1902.

Choctaw D 583.
Intermarried.

In the matter of the application of Joseph J. Roberts for enrollment as an intermarried citizen of the Choctaw Nation.

Joseph J. Roberts, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Joseph J. Roberts.
Q How old are you? A Twenty nine.
Q What is your post office address? A Goodwater, Indian Territory.
Q What nation is that in? A Choctaw Nation.
Q How long have you been a resident of the Choctaw Nation? A Eight years.
Q You have lived here continuously for the last eight years? A Yes sir.
Q Never have made your home anywhere else during that time? A No sir
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw wife through whom you claim these rights? A Carrie Davis.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q When were you married to Carrie Davis? A September 25, 1900.
Q Where was the marriage ceremony performed? A Near Goodwater.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q Did you obtain a marriage license? A Yes sir.
Q From whom did you get that license? A The County Judge of Red River County.
Q How much did you pay for the license? A One hundred dollars.
Q Who performed the marriage ceremony? A Judge Brown or Red River county.
Q Were you ever married before your marriage to Carrie Davis? A No sir
Q Was she ever married before her marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

---oOo---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 22nd day of December, 1902.

Clark W. Lawson
Notary Public.

West

JRB

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Zachary T. Davis, et al., as citizens of the Choctaw Nation, consolidating the applications of:

Zachary T. Davis, et al.,	7 D-124
Mary E. Davis,	7-D-611
J. W. Robinson, et al.,	7-D-125
Laura Davis,	7-D-608
Hugh A. Bishop,	7-D-688
Moseph J. Roberts,	7-D-583.

))))))))))))))

D E C I S I O N

It appears from the census card and other records in this case that Zachary T. Davis appeared before the Commission at Alikchi, Indian Territory, on April 24, 1899, and made personal application for the enrollment of himself and his five minor children, Sherwood, Davis, Eunice Davis, Carrie Davis, Buford Davis and Anis Davis, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Fanny Davis, as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the Matter of this application at Muskogee, Indian Territory, on January 28, 1901, at which time evidence was furnished the Commission of the death, on June 11, 1899, of Fanny Davis, and of the subsequent marriage, on November 28, 1900, of Zachary T. Davis, to Mary Elizabeth Dawson a non-citizen. The said Mary Elizabeth Davis (nee Dawson), appeared before the Commission at this hearing and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation. On June 1, 1902, there was born as the issue of the marriage of Zachary T. Davis and Mary Elizabeth Davis (nee Dawson) Seemenight Davis, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on September 24, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Mary Elizabeth Davis at Wister, Indian Territory, December 19, 1902.

It further appears from the census card and other records in this case that J. W. Robinson appeared before the Commission at Alikchi, Indian Territory, on April 24, 1899k and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Rose Ella Robinson, (formerly Willis), and her two minor children by her former marriage, Doda C. Willis and Ethel V. Willis, as citizens by blood, of the Choctaw Nation. Subsequently there was born to J. W. Robinson and Rose Ella Robinson two infant children, as follows: on November 10, 1899, Matie Lillian Robinson, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to

the Commission on May 7, 1900, proper proof of said birth being furnished on said date; and on November 28, 1901, Maudie E. Robinson, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on January 13, 1902, proper proof of said birth being furnished on said date. Further proceedings were had in the matter of the application for the enrollment of J. W. Robinson at Garvin, Indian Territory, on November 27, 1902.

The evidence in this case further shows that the applicant Sherwood Davis was married to Laura Willis, a non-citizen, on November 28, 1900; that the said Laura Davis (nee Willis) appeared before the Commission at Muskogee, Indian Territory, on January 16, 1901, and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation; that on December 5, 1901, there was born as the issue of said marriage, Theodore Winston Davis, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on January 13, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Laura Davis at Wister, Indian Territory, December 17, 1902.

It further appears that the applicant, Eunice Davis, was married to Hugh A. Bishop, a non-citizen, on November 5, 1901; that the said Hugh A. Bishop appeared before the Commission at Muskogee, Indian Territory, on November 19, 1901, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation; and that on August 25, 1902, there was born as the issue of said marriage, Fannie Lundie Bishop, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on September 17, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Hugh A. Bishop at Garvin, Indian Territory, November 26, 1902.

It also appears that the applicant Carrie Davis was married to Joseph J. Roberts, a non-citizen, on September 25, 1900, and that the said Joseph J. Roberts, appeared before the Commission at Muskogee, Indian Territory, on September 28, 1900, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of the application of Joseph J. Roberts at Garvin, Indian Territory, November 26, 1902.

It further appears from the record in this case that applicants, Zachary T. Davis (as Z. T. Davis), Fanny Davis, Rose Ella Robinson (as Rose Ella Willis), Sherwood Davis, Eunice Bishop (as Anis Davis), Carrie Roberts (as Carrie Davis), and Buford Davis were admitted to Choctaw Citizenship by an act of the Choctaw General Council, approved October 24, 1888, entitled "An Act Establishing the Citizenship of Z. T. Davis and Family", a certified copy of said act being attached to and made a part of the record in this case. The minor applicants, Anis Davis, Doda C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, were born subsequent to the approval of said act, and their names are not found therein. Applicants, Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts also acquired their

rights as citizens by intermarriage of the Choctaw Nation subsequent to the passage of said act.

On an examination of the tribal rolls in the possession of the Commission the names of Zachary T. Davis, Eunice Bishop (as Eunis Davis), Carrie Roberts (as Carnie Davis), Sherwood Davis, Buford Davis (as Bufort Davis), and Anis Davis (as Anna Davis), are identified on the 1893 Choctaw Leased District pay roll, Red River County, page 19, Nos. 161, 162, 163, 164, 165 and 166, respectively, and the names of Rose Ella Robinson (as Rosella Willis) and Doda C. Willis are identified on said 1893 Choctaw Leased District pay roll, Eagle County, Nos. 703 and 705, respectively. The names of Rose Ella Robinson (as Rosa Ella Willis), Doda C. Willis, Sherwood Davis, Eunice Bishop (as Eunice Davis), Carrie Roberts (as Carne Davis), Buford Davis and Anis Davis (as Zack Davis), are also identified on the 1896 Choctaw census roll, Nos. 13562, 13563, 3442, 3438, 3439, 3440, and 3441, respectively, as citizens by blood of the Choctaw Nation. The minor applicants, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, having been born subsequent to the preparation of the last tribal rolls of the Choctaw Nation, are identified by affidavits of their births duly filed with the Commission and made a part of the record in this case.

It further appears that all the applicants herein, except such as claim by intermarriage, and those who were born subsequent to June 28, 1898, were residents in good faith of Indian Territory on said date, all applicants who were listed on census cards in 1899 being first examined as to such fact, although their testimony was not reduced to writing. The minor applicants herein who were born since June 28, 1898, were born in Indian Territory, and their residence is considered that of their parents.

It further appears from the evidence in this case that applicant Mary Elizabeth Davis (nee Dawson), who claims rights to enrollment as a citizen by intermarriage of the Choctaw Nation, was lawfully married to said Zachary T. Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, on November 28, 1900, and that she has lived with her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is further shown from the evidence in this case that applicant J. W. Robinson, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Rose Ella Willis (nee Davis), a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on October 14, 1898; said Rose Ella Willis having been divorced from her former husband, F. M. Willis, on December 15, 1897, proper evidence of said divorce being filed with the Commission on December 29, 1902, and made a part of the record in this case. The record herein further shows that the said J. W. Robinson has lived with his Choctaw wife in the Choctaw Nation continuously since the date of his marriage up to and including September 25, 1902.

Zachary T. Davis 4

The record in this case further shows that applicant Laura Datis (nee Willis), claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was lawfully married to said Sherwood Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, on November 28, 1900, and that she has lived with her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It also appears from the evidence in this case that applicant Hugh A. Bishop, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Eunice Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on November 5, 1901, and that he has lived with his said Choctaw wife in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is further shown from the evidence in this case that applicant Joseph J. Roberts, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Carrie Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs, and usages of said nation, on September 25, 1900, and that he has lived with his said Choctaw wife in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is therefore, the opinion of this Commission that Zachary T. Davis, Rose Ella Robinson, Doda C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Anis Davis, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis should be enrolled as citizens by blood, and Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop, and Joseph J. Roberts should be enrolled as citizens by intermarriage, of the Choctaw Nation, in accordance with the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Fanny Davis, who died prior to September 25, 1902, should be dismissed under the provisions of section 28 of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,
Chairman.

T. B. Needles,
Commissioner.

C. R. Breckenridge,
Commissioner

W. E Stanley,
Commissioner.

Muskogee, Indian Territory,
Jul 30, 1903.

Choctaw-D-538.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Joseph J. Roberts,

Goodwater, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendred July 30, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. IES. 11/30

Choctaw 3693

COPY.

Muskogee, Indian Territory, February 20, 1905.

Joseph J. Roberts,

Idabel, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 10, 1906, affirmed the decision of this Commission dated July 30, 1903, granting the application for the enrollment of yourself, as a citizen by intermarriage, and of your wife, Carrie Roberts, as a citizen by blood, of the Choctaw Nation, included in the consolidated case of Zachary T. Davis et al.

Your names will now be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Choctaw 6593

COPY.

Muskogee, Indian Territory February 20, 1905.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 10, 1905, affirmed the decision of this Commission dated July 30, 1903, granting the application for the enrollment of Joseph J. Roberts, as a citizen by intermarriage, and of Carrie Roberts, as a citizen by blood, of the Choctaw Nation, included in the consolidated case of Zachary T. Davis et al.

[redacted] names will now be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[redacted]

Tams Bixby

Chairman.

Choctaw 8693

Muskogee, Indian Territory, October 19, 1903

Joseph J. Roberts,

Tokhoma, Indian Territory,

Dear Sir:

Your letter of September 1 to the Choctaw Land Office at Atoka, Indian Territory, has been referred to this office for appropriate action. Therein you state that you are in receipt of a letter from the Commission of July 30, 1903, furnishing you a copy of the decision of the Commission enrolling you as an intermarried citizen of the Choctaw Nation. You then request that if your name has been placed upon the approved roll of intermarried citizens of the Choctaw Nation you be furnished a ticket of admission to the land office for yourself and your wife, Carrie Davis, in order that you may make selection of allotments.

In reply you are advised that under date of July 30, 1903, the Commission rendered a decision enrolling you and your wife Carrie Roberts as citizens of the Choctaw Nation but since the rendition of this decision a general protest has been entered with this Commission and the Secretary of the Interior by the attorneys for the Choctaw and Chickasaw Nations to the final enrollment of any persons as citizens of the Choctaw and Chickasaw Nations whose citizenship is de-

pendent

J J R 2

pendent upon an act of admission of the Choctaw National Council or the Chickasaw Legislature. This question is now pending before the Secretary of the Interior and we have not been instructed in reference to our further procedure in cases where decisions favorable to the applicants have been rendered by the Commission.

We are, however, withholding the forwarding of the names of such persons whose rights are dependent upon such acts of admission until further instructed by the Secretary of the Interior.

For this reason your name and the name of your wife have not been included upon the schedules constituting a part of the final roll of the citizens of the Choctaw Nation submitted to the Secretary of the Interior for his approval.

You are therefore advised that no ticket of admission to the Choctaw Land office can at this time be issued to you entitling you to make selection of allotment of land of the Choctaw and Chickasaw Nations for yourself and your wife.

Respectfully,

Commissioner in Charge.

7-5693.

Muskogee, Indian Territory, February 6, 1904.

Joseph J. Roberts,

Goodwater, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your wife, Carrie Roberts, as a citizen by blood, of the Choctaw Nation, you are advised that the attorneys for the Choctaw and Chickasaw Nations have this day forwarded to the Honorable Secretary of the Interior through the Commission a request that final decision in your case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On July 30, 1903, the Commission rendered a decision, enrolling Zachary T. Davis, Rose Nila Robinson, Doda C. Willis, Ethel V. Willis, Katie Lillian Robinson, Maudie E. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Amie Davis, Theodore Winston Davis, Vannie Landie Bishop and Seemenigh Davis as citizens by blood, and Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts as citizens by intermarriage of the Choctaw Nation. On the same day Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, were furnished a copy of such decision and were advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the action of the Commission in enrolling the applicants enumerated in such decision as citizens of the Choctaw Nation. No protest was filed by the attorneys for the Choctaw and Chickasaw Nations within the fifteen days specified in our letter of July 30, 1903.

On July 8, 1903, the attorneys for the Choctaw and Chickasaw Nations requested that no further action be taken with reference

to the enrollment of or the allotment of lands to persons relying upon acts of the Choctaw National Council and that action be postponed until the final determination by the Choctaw and Chickasaw Citizenship Court of the cases of persons, involving the status of persons relying upon identical ancestry and family relationship.

On September 17, 1903, the attorneys for the Choctaw and Chickasaw Nations transmitted to the Secretary of the Interior, through the Commission, a communication, requesting on behalf of the Choctaw and Chickasaw Nations

> "that the directions to the Commission to the Five Civilized Tribes in the case of Matt Davis, et al, Choctaw R. 384, be extended to all Choctaw and Chickasaw contested citizenship cases pending before it, for the reason stated; that all cases, falling within the classes to which this communication refers, heretofore passed upon by the Commission to the Five Civilized Tribes and now pending before the Honorable Secretary of the Interior, for affirmance or dis-approval of its decisions, be remanded without action; that final decision in these cases not yet passed upon by the Commission to the Five Civilized Tribes, be postponed; and that if, upon examination it should develop that any persons falling within the classes to which this communication refers, have been placed upon the final schedules and approved by the Honorable Secretary of the Interior, no further action be taken, by way of allotment to them or the issuance of allotment certificates."

Under date of November 9, 1903, the attorneys for the Choctaw and Chickasaw Nations requested

> "that the Commission note upon its records that all persons applicant before it, under the acts of Congress, approved June 28, 1898, May 31, 1900 and July 1, 1902, in pursuance of the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting L. T. Davis and family, consisting of his wife, Nannie Davis, and his daughter, Rose Ella, and her husband, W. M. Willis, and children, Sherwood, Annie, Carrie and Buford Davis, are included in the class of

contested cases referred to in our general application; that such cases be not disposed of until final decision of the Choctaw and Chickasaw Citizenship Court in cases pending before it, involving parallel questions of law and fact."

The persons whose names are included in the decision of the Commission of July 30, 1903, in the case of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, rely for their citizenship upon the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting Z. T. Davis and others to citizenship in the Choctaw Nation.

The Commission, on November 11, 1903, in view of the fact that the records in the matter of the application of Burk Davis, et al., and Marshall A. Davis, et al., were then pending before the Department upon the protest of the attorneys for the Choctaw and Chickasaw Nations and of their specific protest, as contained in their letter of November 9, 1903, forwarded to the Department the record in the matter of the application of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, together with our decision of July 30, 1903.

The Commission is now in receipt of requests by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in the case of Zachary T. Davis, et al., be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs.

Secretary 4

Choctaw and Chickasaw Nations, No. 89 on the Tishomingo Docket.

Said requests are transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
8 inclosures (W. P. 5690)

Choctaw 695.

Muskogee, Indian Territory, June 12, 1904.

J. S. Mallp,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir,

Receipt is hereby acknowledged of your letter of June 7th in which you ask if any disposition has been made of the protest of the attorneys for the Choctaw and Chickasaw Nations in the matter of the enrollment of Joseph J. Robert as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that on November 11, 1903 the protest of the attorneys for the Choctaw and Chickasaw Nations was forwarded the Secretary of the Interior together with the original record and the decision of the Commission granting said application but the Commission has not yet been notified of the Departmental action thereon.

Respectfully,

Chairman.

Choctaw-5693.

Muskogee, Indian Territory, June 18, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10th, in which you state that you have been employed by Joseph J. Roberts of Bokhoma, Indian Territory to represent him and his wife in the matter of their application for enrollment as citizens of the Choctaw nation. You state that before taking the matter up with the Secretary of the Interior direct, you would be glad to have a letter from the Commission informing you the present status of this case and if there is an extra copy of the record you would be glad to have the same.

In reply to your letter, you are informed that on July 30, 1903 the Commission rendered its decision granting the application of Joseph J. Roberts for enrollment as an intermarried citizen of the Choctaw nation and for the enrollment of his wife, Carrie Roberts, as a citizen by blood of said nation. On November 9, 1903 the attorneys for the Choctaw and Chickasaw nations filed protest in this case and the record was on November 11, 1903 transmitted to the Secretary of the Interior.

J.C.R.—2.

The Commission has not yet been advised of Departmental action in this case. In compliance with your request there are enclosed you herewith copies of testimony of Joseph J. Roberts of September 28, 1900 and of November 26, 1902.

Respectfully,

Chairman.

DDD. 4-16.

T-5693

Muskogee, Indian Territory, January 9, 1905.

Joseph J. Roberts,

Idabel, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 4, 1905, asking if you and your wife Harrie Roberts have been finally approved as citizens of the Choctaw Nation.

In reply to your letter you are informed that it appears from our records that your wife Carrie Roberts is the daughter of Zachary T. Davis, and the record in the case of Zachary T. Davis and his family was forwarded to the Secretary of the Interior together with the decision of the Commission granting the application for the enrollment of Zachary T. Davis and his family, but the Commission has not yet been advised of Departmental action thereon.

You will be notified when the Commission is informed of any action taken in this case by the Secretary of the Interior.

Respectfully,

Chairman.

4W DB.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

WHEN REPLY TO THIS FOLLOWING
7--8698.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 26, 1906.

Joseph J. Roberts,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date asking if you and your wife, Carrie Roberts, have been approved by the Secretary of the Interior.

In reply to your letter you are advised that the enrollment of yourself and your wife, Carrie Roberts, has not been approved by the Secretary of the Interior.

You will be notified when your enrollment is approved by the Department.

Respectfully,

Tams Bixby.

Chairman.

7--8698.

Muskogee, Indian Territory, May 26, 1906.

Joseph J. Roberts,
Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date asking if you and your wife, Carrie Roberts, have been approved by the Secretary of the Interior.

In reply to your letter you are advised that the enrollment of yourself and your wife, Carrie Roberts, has not been approved by the Secretary of the Interior.

You will be notified when your enrollment is approved by the Department.

Respectfully,

Chairman.

Choctaw 5694
Joe Davis

5694

Transferred from Choc Card D193

See decision of 7-30-03
Protest of Choctaw Nation 11-11-03
Decision of Commission of July 20, 1903
enrolling approved by Dept
7-14-04

Notice forwarded atty's and applicant
7-28-04

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 5, 1902.

Joe Davis,	
vs.	D-193.
The Choctaw Nation.	

In the matter of the application of Joe Davis for enrollment as a citizen by blood of the Choctaw Nation.

On the 27th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Joe Davis for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 5th day of April, 1902, for final consideration.

Now on this 5th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appears by its counsel, Mansfield, McMurray & Cornish, and the applicant appears by his counsel, C. M. Bagwell and Tom W. Neal, and request is made by the attorneys for the applicant that reference be made to the testimony taken in the case of Marshall A. Davis, D-191, and that the said be considered as testimony and applied to this case. Upon request of the attorneys for the applicants fifteen days from this date is allowed in which to file their brief of this case.

Hal Belford being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 7 day of April, 1902.

Theron W. Hallwood

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 8, 1900.

Marshall A. Davis vs/ Choctaw Nation, Choctaw D 191
Nurse Davis vs Choctaw Nation, Choctaw D 192
Joe Davis, Choctaw D 193.

CONTENTION OF CHOCTAW NATION.

Statement by Mr. Cornish.

My understanding is that these people have lived in the Indian Territory only a very short while, having drifted in from some of the western counties in Arkansas and having by some means secured enrollment on the Choctaw rolls of 1896 and not entitled to enrollment, and that they are enrolled without authority of law.

Peter Conner, having been sworn by Acting Chairman Sixby testifies on behalf of the Choctaw Nation, as follows:

Examined by Mr. Cornish, through Judge Simon E. Lewis, acting as interpreter.

Q What is your name? A Peter Conner.
Q How old are you? A Forty eight.
Q You are a Choctaw Indian by blood? A Yes.
Q What county in the Choctaw Nation do you live? A Sugar Loaf County.
Q What is your post office address? A Conner.
Q Do you know these Davis people who now claim Choctaw citizenship?
A He says he will commence as far back as he knows them.
Q What members of the Davis family do you know ; what Davis's do you know; mention them. A Joe Davis, He says he goes by the name of Choctaw Davis, Joe Davis.
Q Do you know Zack Davis? A Yes sir.
Q Where do these persons live at this time? A Big Creek, Sugar Loaf County.
Q How is Zack Davis related to these other Davis's as you understand it? A He don't know anything about what kin they are to Zack Davis.
Q They claim to be related do they not? A He says that he has heard that they claim to be related to that Davis.
Q Ask him when he first knew Zack Davis, about how long ago?
A He says about eighteen years ago he got acquainted with old man Zack; he says there are two Zack Davis's.
Q Ask him where old man Zack Davis came from to the Choctaw Nation.
A He says he came from Arkansas.
Q Ask him if old man Davis is a white man or a Choctaw Indian.
A He says he is a white man and came there and worked for some Parnell.
Q Ask him if he then claimed to be a Choctaw Indian? A He says he didn't say anything about being aChoctaw.
Q Ask him if he then rented land like the white man and now rents land like a white man? A Yes sir.
Q Ask him if he knows Joe Davis? A Yes sir, he knows him.
Q Ask him if Joe Davis is one of the applicants who was placed upon the 1896 roll, as he understands it? A He says he don't know. He don't know him; he don,t know if he was put on the roll.
Q Ask him when he first knew and heard of Joe Davis.
A He says sometime after old man Zack Davis came into the country, he asked him to come over there and see some Indian children he had t there by the name of Davis and he says that when this old man came over he took this Joe and showed him his black hair and said

he was some kin to the Pebsworth family
Q Ask him when this man brought Joe Davis into this country? A He says he brought him there sometime after he himself had come.
Q Ask him where he brought him from? A Says he don't know where he ~~xxxxxxxxx~~ got him.
Q Ask him ifthe boy Joe Davis had ever lived in the country before that time so far as he knew? A He says he never heard of him before that time.
Q Ask him if he knew Ase Davis and Burke Davis? A He says after he saw this Joe Davis, after that he says this other boy that they call Choctaw Davis.
Q Ask him if he knows where he came from? A He says he thought he come from Arkansas, that he was not certain.
Q Ask him if he had ever seen him in the Choctaw country before that time? A No sir, never saw him.
Q Ask him if he knows Burke Davis? A He says he knows him?
Q When did he first see or hear of him? A He says it has been about twelve years ago since he first saw him.
Q Ask him how Joe and Burke and Ase claim to be related? A He says he always supposed they were brothers, never made any inquiry.
Q Ask him if he knows anything about the enrollment of these persons upon the 1896 roll or the recognition of them as citizens by the Choctaw people in that country? A He don't know anything about it.

Cross Examination by C. M. Bagwell.

Q Ask him how far he lives from this Marshall A. Davis, Joe Davis and Burke Davis? A Between twelve and fifteen miles.
Q Ask him how long they have lived that near him. A He says he saw Joe the first time about sixteen years ago Joe Davisv
Q Ask him if since the time that he knew him and if they have not exercised the rights of citizenship in the Choctaw Nation.
Q He says they had some trouble there about paying permits there and some of them went to the Cherokee Nation.
Q Ask him if they have not been required to pay permits by the Choctaw Nation as Choctaw citizens? A He says at first they were not, he says here lately they have been allowed to pay permits, for the renters that is.
Q Ask him if he knew the mother? A No.
Q Ask him if he knows how long it has been that they have been required to pay permits and recognized as Choctaw citizens.
A He says he could not give the exact date
Q Ask him if he knows whether or not they drew the leased district money in 1893? A He says about the time of the payment he was over in Washoba County and he could not say whether they get it or not.
Q Ask him if he was acquainted with John Pebworth? A No sir.

Re-direct Examination.

Q Ask him if he is quite generally acquainted with the Choctaw people residing in that countryo A He says he knows them, all that is in that country he thinks.

Witness excused.

C. Byington Wade, having been first duly sworn, by Acting Chairman Tams Bixby, testifies on behalf of the Choctaw Nation, as follows:

Examination by Mr. Cornish.

Q How old are you? A Forty seven
Q You are a citizen of the Choctaw Nation by blood? A Yes sir.
Q Are you now a member of the Choctaw Citizenship Committee? A Yes sir.
Q Do you know Joe Davis and Burke Davis and Ace Davis? A Not personally, know them just--
Q Well, how do you know them? A I hear of the people naming them.
Q Do you know Zack Davis, old man Zack Davis? A Yes sir.
Q Do you know young Zack? A Yes sir.
Q When did you first know old man Zack? A I think it was about seventeen or eighteen years ago, I am not certain.
Q Where did he come from into the Choctaw Nation.
A Well , he was living in the state when first I got acquainted with him.
Q What state? A Scott County.
Q What state? A Arkansas, I lived about seven miles from him.
Q Then about sixteen or seventeen years ago, as you state, he came from Scott County into the Choctaw Nation? A I don't know his coming into the Choctaw Nation, I moved away and while I was gone he moved into the Territory.
Q Do you know Joe Davis, one of these applicants? A I hear of him but I am not personally acquainted with him.
Q How did he come into the Choctaw Nation? A I could not tell you personally.
Q What is your information? A Just only hearsay.
Q Well, who did you hear it from? A I hear it from his cousin.
Q Well, what is his name? A Zack.
Q Is that old man Zack? A No sir, it his son, young Zack.

Mr. Ragsdell; We object to the testimony on account of it being hearsay.

Q Did you have your conversation with old man Zack Davis or young Zack? A Young Zack.
Q How are these persons related to these applicants as you understand it? A Well, I have to state it how he told me.
Q Then you know of the relationship only from what young Zack told you Is that it? A He told me he was his cousin and told me his father, that is old man Zack and this Choctaw Davis's father is second cousins, that is why some relation to him, young Zack Davis.
Q Are these persons, old man Zack Davis or young Zack claiming to be Indians? A No sir.
Q Then you are not personally acquainted with this applicant? A No sir.
Q How far do you live from them? A I live at Talihina, I guess that is about sixty miles.
Q Do you know how he came to be enrolled in 1896? A No sir.

Cross Examination by C. M. Ragsdell.

Q Mr. Wade, do you know John Pebsworth or did you know him? A No sir.

Witness excused.

Burke Davis, having been first duly sworn by Acting Chairman Tams Bixby, testifies on behalf of the applicants, as follows:

Examined by C. M. Ragsdell.

Q What is your name? A Burke Davis.
Q Your age. How old are you? Thirty three or thirty four.

Q Where do you live? A In Sugar Loaf County.
Q What is your post office? A Page has been my post office all the time.
Q You are one of the applicants here for citizenship, are you?
A Yes sir.
Q You claim to be a citizen of the Choctaw Nation by blood? A Yes sir
Q From whom do you derive your Choctaw blood? A My mother.
Q Who was your mother before marriage to your father? A Emily Pebsworth.
Q How long since she came to the Choctaw Nation? A Emily Pebsworth?
Q Yes sir? A She came here as Emily Davis, didn't she? A Yes sir.
Q How long since she came here? A I'll be dogged if I could tell you it has been a good long while, I was quite small, I could not tell you exactly.
Q Was she a Choctaw by blood or a white person? A Who?
Q Your mother? A Choctaw by blood.
Q Who was your father? A Zack Davis.
Q Now as I understand it there are three Zack Davis, is that been testified here? A Yes sir.
Q Which one? A One went by the name of Vinon Zack
Q Are your parents living or dead? A Both dead.
Q How long since your father Zack Davis died? A It's been about sixteen or seventeen years.
Q How long since your mother died? A It's been about thirteen or fourteen years, I guess; I don't remember exactly.
Q Were you residing with her in the Choctaw Nation at the time of her death? A Yes sir.
Q Did she own property as a Choctaw citizen at the time of her death
A Yes sir.
Q Whereabouts was you residing or living? A We lived out near the line
Q Near the line of what? A Sevier County.
Q Near the line Sevier County, Arkansas? A Yes sir.
Q Did your mother have any relatives living in the Choctaw Nation?
A Yes sir, she had a brother by the name of Pebsworth.
Q What was his first name? A John Pebsworth.
Q Where did he reside? A He lived in Red River County, I believe there at Wheelock, I think it is Red River County.
Q He was living at Wheelock? A Yes sir.
Q Was he recognized as a Choctaw citizen? A Yes sir.
Q I will ask you then, after the death of your father if there was a guardian appointed by the Choctaw Council for yourself, your brothers or your sister? A That was my understanding, I could not be positive, but my understanding was that he was appointed guardian for the child.
Q John Pebsworth was appointed guardian? A Yes sir, so I understand
Q I will ask you then if he did not draw the leased district money in 1893 as your guardian? A I don't recollect what time.
Q But he drew money for you as your guardian? A I understood, I never got any money. My brother got some; that is my uncle paid him some of the money that he drew.
Q Then was your father Zack Davis a Choctaw Indian or a white man?
A He was a white man.
Q He never claimed to be a Choctaw Indian, did he? A No sir.
Q But your mother always claimed citizenship? A Yes sir.
Q At the time of her death did she own any property or place in the Choctaw Nation? A She owned one little place.
Q Was she recognized then as a Choctaw citizen? A Yes sir.
Q Do you own property in the Choctaw Nation? A Why yes, I have some little placed down there where I live.
Q You own them as a Choctaw citizen? A Yes sir.

Cross Examination.

Q How is that you came, how is that you were never enrolled until 1896, Mr. Davis? A Me?
Q Yes sir, you. A Why, how come me not to be enrolled at the time the boys was first enrolled, my two brothers ~~as~~ I were living in the state?
Q In Arkansas? A Yes sir.
Q In what county? A Logan.
Q You say John Pebsworth drew your leased district money for you? A Yes he drew money there.
Q Your statement now is that John Pebsworth drew your leased district money? A Yes sir, that is my understanding.
Q Whose leased district money? A Mine.
Q Mention the names of the persons for whom Joh n pebsworth drew the leased district money? A Well, my understanding is he drew our mother's money for us children.
Q Well, mention the names of the individual persons for whom John Pebsworth drew the leased district money; that was $10[illegible].00 a head; be careful about that. A I aint speaking about that.
Q Then you are mistaken when you said that John Pebsworth drew the leased district money? A This here last draw.
Q You were mistaken when you stated a while ago that John Pebsworth drew the leased district money. You were mistaken were you when you said that John Pebsworth drew the leased district money of yourself and your brothers? Answer that yes or no.
Q Commissioner: Answer it the best you can? A Well, I don't understand.
Q Do you know what the leased district money was? A I don't know that I do.
Q Then you don;t know what the leased district payment was? A I dont know that I do.
Q Then when your attorney asked you if John Pebsworth drew the leased district money for yourself and your brothers and you answered that he did--- A I said I thought he did.
Q Do you know what the leased district payment was? A I don't know that I do.
Q Do you know when it was made? A According to the time and all, I suppose that is when I was away in the state.
Q When was it? A About '93.
Q Did you get any money out of the leased district money? A Know now that I didn't.
Q When did you get any I A I hadn't got any.
Q Is it your understanding that John Pebsworth drew the leased district money for yourself and your brothers? A I don;t know what you call it but the draw before that.
Q Well, we will get to that, I am talking now about the leased district payment; is or is it not your understanding that John Pebsworth drew the money for yourself and brothers in 1893? A No sir.
Q Then it is not your understanding that he drew that money? A Not t then.
Q Then you don;t ~~know~~ now think you got any leased district money at that time; you didn't get any? A No sir, not them.
Q And it is not your understanding that anybody else got any? A No sir
Q What payment are you talking about? A Good while before that.
Q Do you know what payment that was? A No sir, I never made no inquiries about it, I was living in the state.
Q At the time you speak of when this other payment was made where was Joe Davis living? A In Sugar Leaf County.
Q Where was Ace? A In Sugar Leaf County.

Q When did you first come to the Indian Territory; when you first commenced to remember were you in the Indian Territory? A Yes sir.
Q When did you go to the state; how far back can you remember distinctly as to where you have been? A I must study a minute.
Q Well, we will give you a chance to get at that accurately.
A I could not be positive but about eighteen or nineteen years ago is about the first time that I went out in the state.
Q Then you think you went out of the Territory into the state about 18 or 19 year ago? A As near as I can recollect.
Q Eighteen or nineteen years ago you think you went from the territory into the state? A Yes sir.
Q Did your mother go with you? A Yes sir.
Q Did your mother go with you, how old were you then, were you a grown man or a boy? A Just a boy.
Q [redacted] Your mother went with you? A Yes sir.
Q Where did you go? A We went over the state line into Sevier County
Q How long did you remain in the state? A As well as I recollect it was about three or four years?
Q Was your father living at that time? A Well, part of the time he was.
Q Did he die while you were in Arkansas? A Yes sir.
Q Did your father own land in Arkansas? A Why he bought a little place out there in Arkansas.
Q How long had your father been married to your mother at that time? How long had they been married; you have some information on that point I should think; how old were you at that time? A Yes sir.
QJust give your best information now; how long had your father been married to your mother when moved out of the Choctaw Nation and your father bought that farm? A I was just studying about it.
Q He had been married a good many years had he not? A Several years.
Q Is it your understanding then that your father and mother had lived continuously in Indian Territory since the marriage? A Pretty much of the time.
Q Had they lived there continuously? A No, they had lived part of the time in the territory and part of the time in the state.
Q You claim that your mother is a Choctaw Indian? A Yes sir.
Q Your father then took your mother a Choctaw woman and went into Arkansas and bout a place? A He bought a little place.
Q Where was that? A In Sevier County.
Q How big a farm? A About twenty five acres.
Q Then he sold that farm and moved back into the Choctaw Nation?
A My mother did.
Q Did your father die?there? A Yes sir.
Q Then your mother came back to the Indian Territory? A Yes sir.
Q That brings us down to about '8[illegible] or '8[illegible]? A I could not say.
Q Now after your father bought that farm and your father died and your mother sold that farm and you back into the Indian Territory, when you moved back, how long did you stay? A Stayed there about two years.
Q How big a boy were you then; were you grown? A No sir.
Q Where did you go then at the end of that two years.
A Well we came from there then on--
Q Where did you go? A Went arround up in Sugar Loaf County.
Q That is still in the Choctaw Nation? A Yes sir.
Q That closed the two years; you said you were there two years, then where did you go? A Two years down there in the Territory. In that part of the Territory.
Q Then you moved up into Sugar Loaf County? A Yes sir.
Q How long did you stay in Sugar Loaf County? A About a year.
Q Where did you go then? A Went from there out to Logan County.
Q Arkansas? A Yes sir.
Q What year did you arrive inLogan County? A I don't recollect, but I believe it was about '8[illegible] when I struck Logan County. I believe it was, I can't be positive.

Q What had become of your mother? A She died.
Q When did she die? A Well a year or two years or three years?
A She was dead before I ever went to Logan County.
Q I understand that, but how long? A Why two years or a little better before I went to Logan County.
Q Where was John Pebsworth? A John Pebsworth was living in the Indian Territory.
Q Then you came into Logan County about 1888 was it? A Somewhere about that time.
Q How long did you stay in Logan County when you came there in '88?
A I stayed there one year.
Q What did you do? A I farmed.
Q How did you farm? Did you buy land? A No, I just worked there with old man Zack.
Q Were not you a grown man? A I was near about of age, but very small.
Q Then in 1888 you worked in Logan County with old man Zack Davis?
A Yes sir.
Q Did you make a crop? A Yes sir.
Q Did you rent land from him? A No, I just kind of worked and made a share crop.
Q John Pebsworth knew about you in the Choctaw Nation; then you went to Logan County and made a share crop now in Logan County; you said about two years after your mother died, 1888, you went over into Logan County, now when you come to Logan County in 1888 how long did you stay there? A As well as I recollect, I stayed there about six years; five or six, somewhere along there.
Q What did you do during that six years? A I farmed a little
Q Did you buy land? A No sir.
Q Did you make a share crop? A Sometimes I did
Q Sometimes you made share crops and sometimes you rented? A Yes sir.
Q John Pebsworth knew all about you? A I guess he did.
A I thought you said he did? A I said I guessed he did.
Q John Pebsworth is a Choctaw Indian? A Yes sir.
Q Still you left the Choctaw Nation and made share crops in Arkansas during that six years? A Yes sir.
Q At the end of six years what did you do? A Come back to Cameron.
Q When did you arrive at Cameron? A A little bettern then seven years ago or about seven years ago.
Q Then that is in about 1893 that you arrive in the Choctaw Nation that is in 1893? A Yes.
Q The leased district payment was going on when you got back in the Choctaw Nation? A No, they had just payed all of them when I got back here.
Q You heard about it when you were over in Logan County? A No I never heard about it.
Q John Pebsworth was living in the Choctaw Nation at that time and knew all about you? A No sir, I said I thought he did.
Q He was your mother's brother? A Yes sir.
Q When did you first apply to be placed on the Choctaw roll? Do you know or not?
Commission: Can't you answer that? A I don;t recollect exactly.
Commission: That must have been a very important event in your life. Can't you recollect that distinctly? A Well, I have not got a very good recollection.
Q All right. You don't remember. After you got back to Cameron when you got through through with your six years in Logan County and came back to the Choctaw Nation and then at Cameron how long did stay in the Choctaw Nation. A I am still here.

Q You have not gone out of the Choctaw Nation since 1893? A No sir.
Q Where did you live? A Lived one year at Cameron and moved down to where I am living now.
Q You don:t know when you first applied to be placed on the Choctaw roll? A It must have been about--
Commission : How long was it after you came to the Territory?
Q Why it was something about near two years before the first enrollment, quite two years.
Q Two years after the first enrollment? A No, I said about two years before I enrolled after I came to the Territory.
Q That is after you came back here in'93 it was about two years after that that you applied to be placed on the rolls? A It was about that. I don't remember exactly.
Q You knew all the time that you were Choctaw Indian? A Certain.
Q And you knew all the time that you were related to John Pebsworth?
A Yes sir.
Q And John Pebsworth is a recognized Choctaw Indian? A Yes sir.
Q You never heard then, your statement is that you never heard of the leased district payment until after the money had been paid out
A No, I never heard of the last payment until after the payment.
Q Never heard anything about it until all the money had been paid out
A No sir.
Q How are you related to Joe Davis? A He and Joe are brothers.
Q How are you related to Ace? A Brothers.
Q Did they move around with you on these trips? A No sir.
Q Now you, your father and your mother went over to Arkansas when your father bought that farm; didn't they go with you? A They did, then, they were children.
Q They were all with you when you went over and bought that farm?
A Yes sir.
Q And after your father died and your mother sold the farm, you all came back to the Territory? A Yes sir.
Q Have they lived outside of the Choctaw Nation since that time?
A No he has not lived out in the state since that time.
Q Has Ace Davis lived out of the Choctaw Nation since that time?
A Yes, he has been out a little.
Q What counties has he lived in inArkansas? A He was in Logan County a short time; he was with me; no, he didn't go with me.
Q He joined you? A He came out there a little while ago.
Q How long did he stay out? A I think he was out there probably three or four months.
Q No longer than that? A I don't think so, I would not be positive.
Q Did he make a crop? A No sir.
Q Has he been out any other times? A No sir.
Q You would know it if he had? A Yes sir, I think I would.
Q You know where he was all the time.
Q Then Ace Davis has not since your mother moved back with you children after the farm was sold in Arkansas, Ace Davis has not lived outside of the Choctaw Nation except the few months he lived with you inArkansas? A No, I am mistaken; he did go over to the Cherokee Nation? A
Q Over to the Cherokee Nation? A Yes sir.
Q How long did he stay there? A Well, he stayed there a little better than a year.
Q What did he do in the Cherokee Nation? A No, he didn't stay in the Cherokee Nation that long.
Q How long did he stay? A I don't remember; he come back on the Choctaw side and made a crop.
Q Then with the exception of the Cherokee trip, figuring that out now is this few months that he lived with you in Logan County, is that the only time that he has been out of the Choctaw Nation since your mother moved back to the Choctaw Nation with you children?

A Yes, that is the only time that I recollect anything about.
Q Then if he had lived in any other county in Arkansas, you would know it? A I guess I would.
Q Then if he stated under oath that he lived in Polk County, he was mistaken, was he? A Polk County? Well, I could not say that all he done while I was gone.
Q Well, you stated a little while ago,, I didn't lead you into that, you stated that you knew where he was and that he had not been out of the Territory except the time he was you inLogan County and in the Cherokee Nation. A I said I didn't think he had.
Q Has he lived anywhere else in Arkansas? A Not that I know of.
Q Did Joe Davis and ~~Marshall~~ Ace Davis apply to be put on the Choctaw roll at the same time you did? A At the same enrollment but at different times.
Q They had never been enrolled before that time had they? A Yes sir.
Q Did Joe Davis get his leased district money? A Yes sir that is what say.
Q Do you know that? A I don't know it to be facts because I was not there at the time.
Q Did Marshall A. Davis draw his leased district money? A That is my understanding.
Q What understanding have you about that? A My understanding was that they drew the money, that is what they both told me. I was not there at the time you see the leased district roll that is one thing I don't understand.
Q Well, I mean the $103.00 payment, you understand about that?
A Yes.
Q They lived in Ateka County in '03? A Yes, I think so.
Q Were they both living in the Choctaw Nation at that time? A Yes sir
Q How old is Joe Davis now? A Why, I guess he is about twenty six. I don't recollect exactly; somewhere along about that, going on twenty six.

Roll of 1893 examined, Sugar Loaf County, the name of Marshall A. Davis does not appear to be thereon.

Q Where did Marshall A. Davis liv at that time? A He lived in Sugar Loaf County.
Q Have you ever appeared before the Commission before? A Yes sir.
Q At what place? A Winter.
Q Did your brothers appear before the Commission at that time and place? A Yes sir.

Re-direct.

Q Mr. Davis, are there not several families of Davis's up there in that section of the country? A Yes sir.
Q How are your families distinguished from the other Davis's among the Choctaw people up there? A Well, all the way they distinguish us from them is just by going by the name of Choctaw Davis.
Q That is among the Choctaw people? A Yes, and among other white people there, whome who dont know about the difference.
Q How many other families of Davises are there in that country?
A There are several.

Re-cross-Examination.

Q Is there a Choctaw family of Davis's? A Not only just us.
Q Do you know any other people of unquestioned Choctaw standing named Davis in that country anywhere within your knowledge?
A No, not by the name of Davis outside of us.

Witness excused.

Davis-10.

Marshall A. Davis, having been first duly sworn by Acting Chairman, Tams Bixby, testified in behalf of the applicants, as follows:

Examination by C. M. Bagwell.

Q State your name, your age, and where you live. A My initials is Marshall A. Name in full full is Marshall, name in short Ace.
Q Your age? A Twenty eight.
Q Where do you live? A Sugar Leaf County.
Q What is your post office? A Page.
Q I will ask you, Marshall, if in 1893 you drew any money in the Choctaw Nation? A Yes sir.
Q How much did you draw? A I drawed $103.00
Q $103.00? A Yes sir.
Q What money did you understand that that was? A I didn't understand anything about it. The payment come off and I went down, I aint got no education, I just went down.
Q I will ask you at that time what they called you? A At that time?
Q Yes sir. A They call me Choctaw Davis
Q Well, what was they name that they had you unrolled under for that payment. Ace Davis.
Q Ace Davis? A Yes sir.
Q I will ask you if you are the identical person who was going by the name of Ace Davis there at that time? A Yes sir.
Q I will ask you if they don't call you Ace Davis now up there?
A Yes sir.
Q Most all of them called you Ace Davis now? A Yes sir.
Q Are you a Choctaw by blood? A Yes sir.
Q How long have you continuously resided in the Choctaw Nation without having moved out? How long since you last came into the Choctaw Nation and stayed? A It was about a year last -- the 19th of last June, and I had been in there some little time outside of From August till January in the Cherokee Nation from August till January
Q From August till January you were in the Cherokee Nation prior to that time you had been in the Choctaw Nation for a while? A Yes sir
Q Then moved back into the Choctaw Nation? A Yes sir.
Q And have lived continuously in the Choctaw Nation ever since?
A Yes sir.
Q What relation are you to Burke Davis? A Own brother
Q What relation are you to Joe Davis? A Brother.
Q Who were your mothers? A Emily Pebsworth.
Q Who did she marry? A Zack Davis.
Q Were there more than one Zack Davis? A Yes sir, I expect there is a dozen as far as that is concerned.
Q Did any other claim citizenship in the Choctaw Nation
A One that I know of.
Q What family of Davis is that, not your family?
A Yes, he is a relation of ours on our mother's side.
Q Did your father ever claim to be an Indian ? A No sir.
Q Does this Zack Davis live up there about Sugar Leaf County who claims to be an Indian? A No sir.
Q Then your Indian blood comes through your mother who was a Pebsworth before she married your father? A Yes sir.
Q Did you ever know one John Pebsworth? A Yes sir.
Q Where did he live? A Near Wheelock. Ever since I have been a small kid.
Q Was he a Choctaw citizen? A Claimed to be.
Q What relation was he to you? A He was an own uncle.
Q What relation was he to your mother? A Brother.
Q Do you own any property in the Choctaw Nation? A Yes sir.

Q Do you own that as a Cheetaw citizen? A Yes sir.

Cross Examination by Mr. Cornish.

Q Where were you born? A Well sir, I am not able to tell you.
Q Where were you when you first began to recollect? A I wont be positive, but I think I was born in Scott County.
Q In what state? A It was in Untied States.
Q Scott County United States?
Commission? Arkansas? A Yes sir.
Q How long did you live in Scott County after you were born?
A I could not tell you that.
Q Where were you when you first began to recollect? A My first recollection when I first began to recollect, I was in the Nation.
Q What part of the Nation? A Near about Doaksville.
Q You heard your brother Joe Davis testify? A No sir.
Q Were you not in the room? A Part of the time.
Q How old were you when your father moved with you over to Arkansas and bought that farm in Sevier County? A I could not tell you that.
Q You are older than this man? A No sir.
Q He is older than you? A Yes sir.
Q How old are you? A Twenty eight.
Q Do you remember about your father buying that farm inArkansas?
A Yes sir, just remember it.
Q How long did you live in that part of Arkansas. A I was so small, I don't hardly know.
Q Did your father die there? A No sir, he didn't die there, he was living there when he was shot.
Q He was living there when he was killed? A Yes sir.
Q And after his death where did your mother remove? A Why she moved down in the state a piece as well as I remember, and they she did n't stay but a little bit and went back to the Territory
Q Did your father own a farm at the time of his death? A Yes sir.
Q What did she do with it, sell it? A Yes sir.
Q How long did your mother remain in the Territory then? A We lived there until she died.
Q Well, after the sale of the farm and your moved back into the Territory, how long did your mother live? A We were up there, as well as I remember, I was mighty small at that time, something near a year.
Q Your mother died? A Yes sir.
Q Then where did you go? A The year she stayed up we moved over to this edge like
Q Where was the edge? A In Arkansas or the Indian Territory?
A That was in the Territory.
Q How long did you stay when you moved back to the edge? A Not there a year.
Q What did you do then? A Some time after our mother' died we moved back into the state.
Q What county? A Sevier.
Q How long did you remain in Sevier County? A Stayed there till along about Augusta October.
Q Who was you staying with then? A Man by the name of Allen.
Q Was he a citizen of a White man? A White man; that was in the state.
Q How long did you stay inSevier County? A We stayed there from spring until October.
Q Then where did you go? A We moved to Sugar Leaf County.

Q That is in the Choctaw Nation? A Yes sir
Q How long did you remain in Sugar Loaf County? A Remained there off and on for thirteen years.
Q After the death of your mother you moved into Sevier County, Arkansas and remained there a year; you moved back into the Choctaw Nation did you? Have you lived in the Choctaw Nationcontinuously since that time? A No sir.
Q Well, after you get back into the Choctaw Nation on that trip how long did you remain in the Choctaw Nation? A Just stayed there I don't know how many years we stayed there.
Q About how many years?
Commission: Answer as near as you can. A I was there something near three years.
Q Where did you go then? A I went out into Logan County, where my brother was.
Q Your brother had gone ahead of you? A Yes sir.
Q Or did you and your brother go at the same time? A No sir.
Q How long did you stay there? A I don't know exactly.
Q Just as near as you can? A I was out there I reckon some few months I don't know exactly.
Q Some few months? A I never have thought much about it.
Q Now how long did you stay inLogan County when you went out there to join your brother? You can't get at it exactly but you can get about it. A Why, I was out there I reckon some three or four or five months. Don't know how long I was there.
Q Were you there longer than six months? A I might have been.
Q Suppose you fix it as near as you can, that you are willing to stand on, how long you stayed in Logan County? A It might have been six months.
Q Well, you make the statement? A If I had been studying anything about that I could have had it summed up so I could know just exactly. It might have been six months.
Q Was it longer than six months? A I don't think it was.
Q Was it longer than nine months? A I don't think it was.
Q Are you positive it was not longer than nine months? A Yes sir, I don't think it; I am pretty well satisfied it was not over nine months.
Q Then that is the only residence you had in Logan County? A No more than just going over to pay a visit. I had a home in the Choctaw Nationall the time.
Q Then this nine months is the only time you remained in Logan County that you lived there? A Yes sir.
Q What did you do in Logan County? A Nothing much.
Q Did you make a crop? A No sir.
Q Did you appear before the Commission at Wister? A Yes sir.
Q Your name is Ann Davis? A Yes sir.
Q You appeared before the Commission and gave testimony? A Yes sir.
Q You were sworn by Captain McKennon at that time? A Yes sir.
Q Did you state at that time that you had lived in Logan County four years? A No sir.
Q You didn't? A No sir, if I did it is not true.
Q If you made the statement that you had remained in Logan County four years that statement is not true, is it? A No sir.
Q How did you come to make that statement? A Well, I must have made it in my sleep.
Q The record shows it? A Four years?
Q When did you first apply for Choctaw citizenship? A Why, I don't remember when I made any apply, I have always made-- ever since I have been in the Territory I have never been known only as a citizen been counted as a citizen all the way through.
Q Who placed your name on the 1896 roll? A What roll? Well I could not tell you that.

Q Your name is Marshall A. Davis? A That is my initials.
Q Your mother is dead is she? A Yes sir.
Q From whom did you get the name Marshall, what relative, do you know? A No sir.
Q What does the A stand for? A Ace.
Q Then your name is Marshall Ace Davis? A Yes sir.
Q Who paid you your leased district money? A I could not tell you that I didn't know none of them.
Q How did they pay you A They gave me a check?
Q Who gave you a check? A I could not tell you.
Q Whose name was signed to it? A I could not tell you that. I cant read.
Q What did you do with the check? A Sam Holstein cashed it for me.
Q How is he related to Judge Holstein? A Cousin or brother.
Q What Choctaw people do n there know about you drawing the leased district money. Does Peter Conser know it? A He said a while ago he didn't do it.
Q Who paid you money? A Sam Holstein and Ervin Justice
Q How are you related to this man who has just testified? What relation is he to you? ABrother.
Q Are you brother to Joe Davis? A Yes sir.
Q Of the same mother? A Yes sir.
Q How long since you have seen John Pebsworth? A Why it has been, it is about seven years now since I seen him; about seven years since I seen him.

Re-direct examination.

Q I will ask you if he is living or dead? A He is dead.
Q You have learned that he is dead? A Yes sir.
Q You say that Sam Holstein and Ervin Justice paid you your money for your check on the leased district money? A Yes sir.
Q I will ask you how come they to pay you your money?
A Well sir, I owed Ervin Justice nine dollars and some few cents and I owed Sam Holstein thirty three dollars and some cents, I don't know just exactly, and when I drew the check they was there and I I told them if they would cash the check I would pay them and they went in and cashed the check.
Q And gave you the balance of the money? A Yes sir.

Witness excused.

Mary Ann Davis, having been first duly sworn by Acting Chairman Tams Bixby, testifies on behalf of the applicants as follows

Examination by C. M. Nagwell.

Q What is your name? A My full name?;
Q Yes. A Nancy Ann Davis.
Q What is your age? A I will be fifty seven years old the 21st day of January.
Q Where do you live? A I live inSugar Loaf County this Nation now.
Q What relation are to Marshall A., Joe and Burke Davis?
A Just an aunt by marriage, I married their father's brother.
Q An aunt by marriage? A Yes sir.
Q Did you know their father? A Yes sir.
Q What was his name? A Isaac Davis.
Q Did you know their mother? A Yes sir, knew her ever since I was a little child.
Q What was her name? A Emily Pebsworth, [redacted]

Q Emily Davis after she was married wasn't it? A Yes sir.
Q Who was she before she was married? A She was a Pebsworth.
Q Do you know her father's and mother's names? A Not given names, nor I won't be positive on her mother's given name? I only think by the children's names, some of them. I wont be positive.
Q Do you remember her brothers and sisters? A Yes sir.
Q Can you name some of them? A I can call all of the names.
Q Well, give me the names of Mrs. Davis's brothers and sisters?
A I will give the brother's names first: Joe Pebsworth.
Q Go ahead. Bob Pebsworth.
Q Go ahead? A John Pebsworth. Caroline Pebsworth. Amy Pebsworth Matilda Pebsworth. Mary Pebsworth, Emily Pebsworth, she was the baby.
Q Who was Emily Pebsworth after she married Zack Davis? Is she the mother of those three boys? A Yes sir, she is the mother of these three boys.
Q What nationality was she a white person or Indian?
A She was Indian.
Q Do you know to what tribe she belonged? A Choctaw tribe she belonged or at least she was called that.
Q You always knew her as a Choctaw Indian then? A Yes sir, they go by that name , called Choctaw.
Q What became of John Pebsworth? A He died.
Q Where did you first know him? A I knew him in Clark County, where I knew all of them.
Q Clark County where? A Arkansas.
Q What became of him? A He came to the Choctaw Nation.
Q Whereabouts did he stop in the Nation? Where did he make his home.
A Down close to Wheelock.
Q Do you know who he married? A First?
Q Yes, or any time? A Well he married three times.
Q Who did he marry first? A He married Susan Farlin.
Q Do you know the name of his second wife? A I could not give her name positive, her given name was Mary, but I don't know her maiden name.
Q Who was his third wife? A She was a Williams; Molly Williams.
Q Was she a Choctaw Indian by blood? A John Pebsworth?
A Yes. A Yes sir.
Q Do you know where he is now? A He is dead.
Q Where did he live at the time of his death? A Down here near Wheelock.
Q Then you state that the mother of these three boys, Marshall A. Davis, Burke Davis and Joe Davis, was a Choctaw Indian by blood?
A Yes sir, called so.
Q Always known to you as a Choctaw? A Yes they was always called Choctaw.
Q At the time you knew her did you have your eyesight? A Yes sir.
Q From her appearance did she appear to be a Choctaw or white person? A She had Indian ways considerable.
Q How about her complexion? A She was tolerable dark, blue eyes dark skin, good looking.
Q How was John Pebsworth? A He was pretty dark, dark eyes and dark hair.
Q Do you know whether or not Mrs. Davis, the mother of these boys, was ever recognized as a Choctaw Indian by the Indian tribe or authorities in the Choctaw Nation? A Well, I could not say that I knew this only by hearsay; no her mother used to come down there and draw money, but beyond it I don't know this only by hearsay of the people talking that knew this. Her mother the old lady Pebsworth came in Skelston Depot.
Q To refresh your memory, I will ask you if it was not Skullyville they went to? A No, I don't think it was.
Q Well, was it Skelton Depot? A Maybe that was it; it was no depot,

because there is no railroad there.
Q That is your understanding that she went to Tealter Depot? A I have heard of the people talking about her going down there and stopping there when the waters were up. I just know this by hearsay. You see I knew the old lady Pebsworth and her children in Clark County where we was all raised.
Q Is that where she would come from to the Choctaw Nation? A Yes sir.
Q Come in and draw her money
Q How long has she been dead? A Oh, mercy, I could not tell you. She died when I was a little girl when I used to see the old lady.
Q Then Zack Davis was a white man or a Choctaw? A These children's father?
Q Yes. A He was a white man, he never claimed.
Q You say the mother was a Choctaw? A Claimed to be.
Q I will ask you if you know how long that these boys have continuously lived in the Indian Territory since the last time they came in? A The last time they come in here, I think I came right with them; of course I can tell you. I have been with them and it will be nigh seven years.
Q Seven years you have been with them? A Yes sir, of course it aint March now, but in March it will be seven years.

Cross Examination.

Q What is your husband's given name? A James.
Q Then the father of these boys to your husband was a brother?
A Yes sir, he was brother.
Q You lived in Clark County Arkansas? A Yes sir.
Q What post office? A I could not tell you, of course Arkadelphia, we was raised in ten miles of Arkadelphia.
Q You lived there the greater part of your life? A Oh no.
Q How long did you live in Clark County? A I don't know that I could give you a permanent answer.
Q A great many years? A Yes, I was brought from Tennessee when I was eight years old and I was married just about fourteen years.
Q Then you left in Clark County and came here? A No, I left Clark County and came up into Sevier County.
Q Then how many years? A Until the second year after to this.
Q Could not you give us a idea about how many years it was within a a year or two; ten, or twenty or thirty years, about how many years
A Why, I reckon I was about twenty four years, I was taking off a part of that when I was about eight years old I was brought from Tennessee, you can count it faster than I could done it.
Q You knew these Pebsworths up in Clark County? A Yes sir.
Q You knew them a good long time? A I have told you about the length of time. I was about eight years old-- I will say that I have been acquainted with this ever since I was between eight and nine years old.
Q You have known them a good long time? A Except that, I have known them all my life.
Q You were pretty well acquainted with them? A Yes sir.
Q What was the name of the mother of Emily? A Well, I could not tell you positive. I would not say that I ever heard the old lady's name
Q That is the mother of Emily? A I don't know her name positive, but I believe her name was Emeline.
Q You don't remember positively? A No sir.
Q What was her father's name? A No sir.
Q How many children was it they had? A Five daughters and three sons
Q How you mentioned the names of all of them a while ago.
A Yes sir, I mentioned the name? I knew them well.
Q When did the old lady Pebsworth die? A I could not tell you, she

died when I was a little child.
Q How do you remember the names of eight children and cannot remember the name of the mother. A Why, you must remember that I was raised with them and I was a little child when she passed away.
Q Now these seven brothers and sisters was raised with you there in Clark County? A Yes sir.
Q And you knew them better than you did the old lady? A Yes, ~~xxxxxx~~ you see I was a little child.
Q Now what was the name of the oldest Pebsworth child? A I could not tell you which was the eldest. I give Joe Pebsworth's name first.
Q Is Joe living or dead? A Dead.
Q Where did he die? A In Clark County.
Q How old a man was he? A I don't know.
Q Well you can tell something? A He was a man and had a family when I was a little child.
Q Did Joe Pebsworth now when you was a little child? A No sir, he never died when I was a little child, because he was a living man after the peace was made.
Q Then he died after the war? A Yes sir.
Q You knew him then and his family? A All lived about twenty five or thirty miles a part. It might not have been so far.
Q How did you come to know these people? Did you first see them or meet them at church or how do you know them? A My first acquaintance as I went right to the house; not to the Pebsworth house at the house of Mary Clover, their aunt and this here Grandma Clover was right there, I recollect that well, I was a little child, one of little Clovers was dead; I was all the child my father had and he had carried me there and I saw them talking on their fingers, old man Pebsworth and his wife was deaf and dumb ~~xxxxxxxxxx~~
Q Joe Pebsworth was a man of family? A Yes sir.
Q What was the name of his wife? A Could not tell you.
Q Do you know the name of his wife? A No.
Q What was his business? A He was a farmer.
Q Did he own or rent land? A I don't know.
Q Give us the name of another Pebsworth boy? A Rob
Q Is Rob living or dead? A Is dead, Rob died.
Q When and where; was he a man of family? A He was married twice.
Q What was the name of his wife? A It has been so long ago.
Q You remember the name of all these boys? A I knowed them quite well
Q Was Rob a grown man when he died? A Yes he was a grown man, and had had two wives but no children; he had had but they died.
Q You don't remember the names of either of his wives? A I believe this last wife was named Lourania.
Q What business was Rob in? A None.
Q Had no business? A No.
Q What did he do for a living? A Just like any other poor man, just worked enough to keep soul and body together.
Q Where did he die? A In Arkansas.
Q Give us the name of another Pebsworth. John. John Pebsworth was a pretty shrewd man.
Q Is he dead? A Yes sir.
Q Did he have a wife? A Yes sir.
Q What was her name? A Mollie Williams.
Q What was John's business? A I could not tell whatever come up that had any money in it.
Q He lived there in Clark County? A Yes sir.
Q He was a pretty shrewd man? A Yes sir. I was giving his last wife's name; he had been married three times. I give you his last wife's name.

Q Yes; we are now talking about John himself. He was a pretty shrewd man? A He was a pretty shrewd Indian.
Q He had considerable means? A I don't suppose he had so very much.
Q How long has he been dead? A I don't know.
Q Well you know when he died? A Not positive.
Q Well he is dead? A Yes, he is dead.
Q And his wife both [illegible]
Q They died there in Clark County, Arkansas? A No sir, he died in this nation.
Q When did he leave Arkansas? A He left during the time of the war.
Q When did he leave Clark County? A I come up into Xavier County, and now the year-- the year- I aint been in this Nation only going on seven years. other
Q What became of the Pebsworth boys? A There aint any tther.
Q Now let us take the girls: What is the name of the girl? I reckon I gave the first one Caroline.
Q Who did Caroline marry? A A man by the name of Jordan.
Q Was he a white man or Indian? A White man.
Q What was in Clark County, Arkansas? A Yes sir.
Q Is she living or dead? A Dead.
Q Where did she die? A Ther in Clark County.
Q The name of another? A Amy.
Q Is Amy living or dead? A She died years and years ago when I was a little child.
Q Did she marry? A Yes sir.
Q Did she have a family? A Yes sir.
Q Died in Clark County? A Yes sir.
Q What business was her husband in? A Nothing much.
Q Did he make a living? A He was a hunter.
Q Did he make crops? A I don:t know.
Q You dont know whether he owned land or rented land or made share crops? A No, I don:t know anything about that.
Q Do you know anything about whether Bob Pebsworth made crops from year to year? A No, he didn't.
Q Do you know whether or not John Pebsworth made crops from year to year? A I suppose he did; I could not tell you much about what any of them followed, I have been separated from them a good many years
Q Now there is just one girl left. That is this girl Emily? A No, the there is two more girls.
Q What is the next one? A I don:t remember which one I named next. Matilda.
Q Is Matilda living or dead? A Living I reckon, she was the last time I heard.
Q Where is she living? A In Clark County.
Q Is she married? A Yes sir.
Q Who did she marry? A Clover.
Q Did you know them pretty well? A Yes, I did.
Q What did Mr. Clover do for a living? A I could not tell you.
Q Did he run a ster e? A He was just a common poor boy.
Q Had a farm? A I reckon.
Q Did he own land or rent or make share crops? A I reckon he owned land; the two widows got the land.
Q Do you think the two owned land. Did John Pebsworth own land?
A He owned such land as there was in the Choctaw Nation.
Q Did he own land in Arkansas? A No sir.
Q Did Bob Pebsworth own any land? A No sir.
Q Sure of that? A Yes sir.
Q Did Joe Pebsworth own any land? A I could not tell you.
Q Is there another girl? A Yes sir.
Q What is her name? A Mary.
Q Who did she marry? A Clover.
Q Is she living now? A Yes sir.
Q Where is she living; where is she? A She was in the Nation, I heard of her last summer a year ago.
Q How long had she been in the Nation? A I don't know, I just heard.
Q You had never heard of her after leaving Clark County? A No, yes I

I heard of them and met them.
Q Where? A I met them about fifteen miles from McKane's Stand
Q Is that in the state or the territory? A It is on the line.
Q On which side of the line? A On the state side.
Q Do you know where Mary lives now at this time? A I could not tell whether she has rented her old home and was now living with her son in the Nation or what;
Q When her husband died she remained on the farm? A Yes sir.
Q Her husband was a farmer? A Yes sir.
Q Did he own any land? A I reckon so; he lived and his family.
Q Who did Emily marry? A She married this Zack Davis.
Q He was a whiteman? A Yes sir.
Q When did he marry her? A I could not tell you how long it has been
Q How long did you live about them, rent around there after Emily Zack? A We lived in the house off and on, you see I married a brother to him and we lived there sometimes in the house with one anotherand sometimes as neighbors to one another and sometimes we would be fifteen or twenty or twenty five miles apart; that is the way we lived. That is just as near as I could tell the straight of it.
Q How long did you keep trace of Emily after she was married.
A I knew just exactly where she was unless she drifted over into Texas somewhere and be gone maybe a year; you see my husband died in time of war and I went blind and I got me settled home at Uncle Sam Dick's.
Q Here is what I am trying to get at; after Emily married Zack, how long did the live in Clark County? A Well, I don't know that I can tell you the number of years. Me and my husband left there. You see her and him married before I was near grown.
Q What did Zack Davis do for a living? A Worked by the month.
Q Did he make any crop? A No sir.
Q How long did he live in Clark County? A He was raised there.
Q After he married Emily how long did he live there. A I could not exactly tell it. I don't remember exactly how many children they did have; they made that their home. in Clark County until after the war.
Q Did he make crops from year to year or work by the month? A No, sometimes he worked by the month.then
Q Then when he made crops how did he make them? Did he own his land?
A No.
Q Did he rent land? A Yes sir.
Q Make share crops? A Couldn't say that I ever knew him to make share crops
Q You never knew any Pobsworth family except this? A No sir. This is the only one I ever did know.

Re-direct Examination.

Q Was Zack Davis of a settled or roving disposition? A Roving.
Q Very roving? A Yes sir, that is what is the matter; that is what is the trouble with those boys today.

Mr. Bagwell: Now, your honor, I would like to ask permission to take some further evidence before this Commission at some time in the future, not close the case today.

Commission: Permission is granted the applicants to to take further testimony at a later date.

Second Cross Examination.

Q After John Pobsworth left Clark County and came out into this

country, do you know of your own personal knowledge what became of him? A John Pebsworth? That he is living or dead?
Q Just what became of him after he came out to this country, do you know of your own knowledge? A No, I could not say that I did. I was with him off and on.
Q After he left there and came over to the Territory do you know what became of him? A I don't know that I understand just what you mean.
Q Do you know whether or not he is living or dead at this time?
A He is dead. And I told you a while ago he is dead , and his wife is dead.
Q Now you didn't see him after he left you in Clark County any more, you didn't see him any more? A I didn't see him any more, but I have been in his company many a time.
Q Where? A In Sevier County.
Q Have you ever been with him in Indian Territory? A No sir, I could not say that --- Yes I have, down in the lower part of this Nation. I came mighty near not recollecting.
Q When was that? A I could not tell; it was several years after the war.
Q Do you know of your own personal knowledge , not what some one else has told you, do you know of your own personal knowledge when John Pebsworth came to this Nation his name was placed on the roll and he was recognized as a Cheetaw? A No, I could not say that positive because I have never had much business in this Nation.

Witness Excused.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported all proceedings had in the above entitled cause on the 5th day of December, 1900, and that the above and foregoing is a true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 10thday of December,1900.

Acting Chairman.

Commission to the Five Civilized Tribes,

Wister, Indian Territory.

In the matter of the enrollment of Joe Davis as a Choctaw by blood; being sworn and examined by Commissioner Meyermon, he testifies as follows:

Q Where have you been living? A Sugar Loaf County.

Q How long? A Twelve years.

Before that where did you live? A I lived down below.

Q Down below where? A In Sevier County.

Q Sevier County, Arkansas? A No, in the Territory down there part of the time.

Q Sevier County isn't in the Territory? A I know, but I mean close there, down there in the Territory.

Q Close to what? A I mean down close to Sevier County.

Q You were not living in Sevier County then? A Part of the time I wasn't.

Q How much of the time? A I don't know., how much; right smart of the time.

Q How much is right smart? A I guess four or five years.

Q Where were you born? A I don't remember what place.

Q You know where these other boys were born? A No sir.

Q You don't know how much time you have lived in Arkansas, nor how much you have lived in the Territory? A Not exactly, no sir; I know I have been in the Territory for at least twelve years.

Q All the while? A Yes sir, wasn't out over six months.

Q You came from Arkansas when you came to the Territory? A Yes sir.

Q Did you never know that you were born in Scott County, Arkansas?

A No sir.

Joe Davis, #2)

Q Never know where you were born? A No sir, I didn't.

Q Never thought enough of that matter to enquire where you were born? A You see my parents died when I was small.

Q (Lewis) How old do you say you are? A Twenty-four years old.

Q You was twelve years old when you came here? A Yes sir.

Q You was big enough to know where you came from? A Oh yes, I came from down in Arkansas.

Q And the other boys came too then? A Yes sir.

Q About the same time? A Yes sir.

Q They lived in Arkansas as much as you did did they? A Yes sir

Q Then you were born and raised until you were twelve years old in Arkansas? A Oh I don't know, I wasn't in Arkansas all the time; I don't know where I was all the time.

Q And they came over from Arkansas at the same time you did did they? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as Stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 8, 1900.

Marshall A. Davis vs/ Choctaw Nation, Choctaw D 191
Burke Davis vs Choctaw Nation, Choctaw D 192
Joe Davis, Choctaw D 193.

CONTENTION OF CHOCTAW NATION.

Statement by Mr. Cornish.

My understanding is that these people have lived in the Indian Territory only a very short while, having drifted in from some of the western counties in Arkansas and having by some means secured enrollment on the Choctaw rolls of 1896 and not entitled to enrollment, and that they are enrolled without authority of law.

Peter Conser, having been sworn by Acting Chairman Bixby testifies on behalf of the Choctaw Nation, as follows:

Examined by Mr. Cornish, through Judge Simon E. Lewis, acting as interpreter.

Q What is your name? A Peter Conser.
Q How old are you? A Forty eight.
Q You are a Choctaw Indian by blood? A Yes.
Q What county in the Choctaw Nation do you live? A Sugar Leaf County.
Q What is your post office address? A Conser.
Q Do you know these Davis people who now claim Choctaw citizenship?
A He says he will commence as far back as he knows them.
Q What members of the Davis family do you know ; what Davis's do you know; mention them. A Joe Davis, he says he goes by the name of Choctaw Davis, Joe Davis.
Q Do you know Zack Davis? A Yes sir.
Q Where do these persons live at this time? A Big Creek, Sugar Leaf County.
Q How is Zack Davis related to these other Davis's as you understand it? A We don't know anything about what kin they are to Zack Davis.
Q They claim to be related do they not? A He says that he has heard that they claim to be related to that Davis.
Q Ask him when he first knew Zack Davis, about how long ago?
A He says about eighteen years ago he got acquainted with old man Zack; he says there are two Zack Davis's.
Q Ask him where old man Zack Davis came from to the Choctaw Nation.
A He says he came from Arkansas.
Q Ask him if old man Davis is a white man or a Choctaw Indian.
A He says he is a white man and came there and worked for some Parnell.
Q Ask him if he then claimed to be a Choctaw Indian? A He says he didn't say anything about being aChoctaw.
Q Ask him if he then rented land like the white man and now rents land like a white man? A Yes sir.
Q Ask him if he knows Joe Davis? A Yes sir, he knows him.
Q Ask him if Joe Davis is one of the applicants who was placed upon the 1896 roll, as he understands it? A He says he don't know. He don't know him; he don,t know if he was put on the roll.
Q Ask him when he first knew and heard of Joe Davis.
A He says sometime after old man Zack Davis came into the country, he asked him to come over there and see some Indian children he had t there by the name of Davis and he says that when this old man came over he took this Joe and showed him his black hair and said

he was some kin to the Pebsworth family
Q Ask him when this man brought Joe Davis into this country? A He says he brought him there sometime after he himself had come.
Q Ask him where he brought him from? A Says he don't know where he got him.
Q Ask him ifthe boy Joe Davis had ever lived in the country before that time so far as he knew? A He says he never heard of him before that time.
Q Ask him if he knew Ace Davis and Burke Davis? A He says after he saw this Joe Davis, after that he says this other boy that they call Choctaw Davis.
Q Ask him if he knows where he came from? A He says he thought he come from Arkansas, that he was not certain.
Q Ask him if he had ever seen him in the Choctaw country before that time? A He sir, never saw him.
Q Ask him if he knows Burke Davis? A He says he knows him?
Q When did he first see or hear of him? A He says it has been about twelve years ago since he first saw him.
Q Ask him how Joe and Burke and Ace claim to be related? A He says he always supposed they were brothers, never made any inquiry.
Q Ask him if he knows anything about the enrollment of these persons upon the 1896 roll or the recognition of them as citizens by the Choctaw people in that country? A He don't know anything about it.

Cross Examination by C. M. Bagwell.

Q Ask him how far he lives from this Marshall A. Davis, Joe Davis and Burke Davis? A Between twelve and fifteen miles.
Q Ask him how long they have lived that near him. A He says he saw Joe the first time about sixteen years ago Joe Davisv
Q Ask him if since the time that he knew him and if they have not exercised the rights of citizenship in the Choctaw Nation.
Q He says they had some trouble there about paying permits there and some of them went to the Cherokee Nation.
Q Ask him if they have not been required to pay permits by the Choctaw Nation as Choctaw citizens? A He says at first they were not, he says here lately they have been allowed to pay permits, for the renters that is/
Q Ask him if he knew the mother? A No.
Q Ask him if he knows how long it has been that they have been required to pay permits and recognized as Choctaw citizens.
A He says he could not give the exact date
Q Ask him if he knows whether or not they drew the leased district money in 1893? A He says about the time of the payment he was over in Washeba County and he could not say whether they got it or not.
Q Ask him if he was acquainted with Joh n Pebworth? A No sir.

Re-direct Examination.

Q Ask him if he is quite generally acquainted with the Choctaw people residing in that country? A He says he knows them, all that is in that country he thinks.

Witness excused.

C. Byington Wade, having been first duly sworn, by Acting Chairman Tams Bixby, testifies on behalf of the Choctaw Nation, as follows:

Examination by Mr. Cornish.

Q How old are you? A Forty seven
Q You are a citizen of the Choctaw Nation by blood? A Yes sir.
Q Are you now a member of the Choctaw Citizenship Committee? A Yes sir.
Q Do you know Joe Davis and Burke Davis and Ace Davis? A Not personally, know them just--
Q Well, how do you know them? A I hear of the people naming them.
Q Do you know Zack Davis, old man Zack Davis? A Yes sir.
Q Do you know young Zack? A Yes sir.
Q When did you first know old man Zack? A I think it was about seventeen or eighteen years ago, I am not certain.
Q Where did he come from into the Choctaw Nation.
A Well , he was living in the state when first I got acquainted with him.
Q What state? A Scott County.
Q What state? A Arkansas, I lived about seven miles from him.
Q Then about sixteen or seventeen years ago, as you state, he came from Scott County into the Choctaw Nation? A I don't know his coming into the Chhoctaw Nation, I moved away and while I was gone he moved into the Territory.
Q Do you know Joe Davis, one of these applicants? A I hear of him but I am not personally acquainted with him.
Q How did he come into the Choctaw Nation? A I could not tell you personally.
Q What is your information? A Just only hearsay.
Q Well, who did you hear it from? A I hear it from his cousin.
Q Well, what is his name? A Zack.
Q Is that old man Zack? A No sir, it his son, young Zack.

Mr. Bagwell; We object to the testimony on account of it being hearsay.

Q Did you have your conversation with old man Zack Davis or young Zack? A Young Zack.
Q How are those persons related to these applicants as you understand it? A Well, I have to state it how he told me.
Q Then you know of the relationship only from what young Zack told you Is that it? A He told me he was his cousin and told me his father, that is old man Zack and this Choctaw Davis's father is second cousins, that is why some relation to him, young Zack Davis.
Q Are these persons, old man Zack Davis or young Zack claiming to be Indians? A No sir.
Q Then you are not personally acquainted with this applicant? A No sir.
Q How far do you live from them? A I live at Talihina, I guess that is about sixty miles.
Q Do you know how he came to be enrolled in 1896? A No sir.

Cross Examination by C. M. Bagwell.

Q Mr. Wade, do you know John Pebsworth or did you know him? A No sir.

Witness excused.

Burke Davis, having been first duly sworn by Acting Chairman Tams Bixby, testifies on behalf of the applicants, as follows:

Examined by C. M. Bagwell.

Q What is your name? A Burke Davis.
Q Your age. How old are you? Thirty three or thirty four.

Q Where do you live? A In Sugar Loaf County.
Q What is your post office? A Page has been my post office all the time.
Q You are one of the applicsants here for citizenship, are you?
A Yes sir.
Q You claim to be a citizen of the Choctaw Nation by blood? A Yes sir
Q From whom do you derive your Choctaw blood? A My mother.
Q Who was your mother before marriage to your father? A Emily Pebsworth.
Q How long since she came to the Choctaw Nation? A Emily Pebsworth?
Q Yes sir? A She came here as Emily Davis, didn't she? A Yes sir.
Q How long since she came here? A I'll be dogged if I could tell you it has been a good long while, I was quite small, I could not tell you exactly.
Q Was she a Choctaw by blood or a white person? A Who?
Q Your mother? A Choctaw by blood.
Q Who was your father? A Zack Davis.
Q Now as I understand it there are three Zack Davis, it has been testified here? A Yes sir.
Q Which one? A One went by the name of Vinen Zack
Q Are your parents living or dead? A Both dead.
Q How long since your father Zack Davis died? A It's been about sixteen or seventeen years.
Q How long since your mother died? A It's been about thirteen or fourteen years, I guess; I don't remember exactly.
Q Were you residing with her in the Choctaw Nation at the time of her death? A Yes sir.
Q Did she own property as a Choctaw citizen at the time of her death
A Yes sir.
Q Whereaboutswas you residing or living? A We lived out near the line
Q Near the line of what? A Sevier County.
Q Near the line Sevier County, Arkansas? A Yes sir.
Q Did your mother have any relatives living in the Choctaw Nation?
A Yes sir, she had a brother by the name of Pebsworth.
Q What was his first name? A Joh n Pebsworth.
Q Where did he reside? A He lived in Red River County, I believe there at Wheelock, I think it is Red River County.
Q He was living at Wheelock? A Yes sir.
Q Was he recognized as a Choctaw citizen? A Yes sir.
Q I will ask you then, after the death of your father if there was a guardian appointed by the Choctaw Council for yourself , your brothers or your sister? A That was my understanding, I could not be positive, but my understanding was that he was appointed guardian for the child.
Q Joh n Pebsworth was appointed guardian? A Yes sir, so I understand
Q I will ask you then if he did not draw the leased district money in 1895 as your guardian? A I don't recollect what time.
Q But he drew money for you as your guardian? A I understood, I never got any money. My brother got some; that is my uncle paid him some of the money that he drew.
Q Then was your father Zack Davis a Choctaw Indian or a white man?
A He was a white man.
Q He never claimed to be a Choctaw Indian, did he? A No sir.
Q But your mother always claimed citizenship? A Yes sir.
Q At the time of her death did she own any property or place in the Choctaw Nation? A She owned one little place.
Q Was she recognized them as a Choctaw citizen? A Yes sir.
Q Do you own property in the Choctaw Nation? A Why yes, I have some little placed down there where I live.
Q You own them as a Choctaw citizen? A Yes sir.

Cross Examination.

Q How is that you came, how is that you were never enrolled until 1896, Mr. Davis? A Me?
Q Yes sir, you. A Why, how come me not to be enrolled at the time the boys was first enrolled, my two brothers an I were living in the state?
Q In Arkansas? A Yes sir.
Q In what county? A Logan.
Q You say John Pebsworth drew your leased district money for you?
A Yes he drew money there.
Q Your statement now is that John Pebsworth drew your leased district money? A Yes sir, that is my understanding.
Q Whose leased district money? A Mine.
Q Mention the names of the persons for whom Joh n Pebsworth drew the leased district money? A Well, my understanding is he drew our mother's money for us children.
Q Well, mention the names of the individual persons for whom John Pebsworth drew the leased district money; that was $10?.00 a head; be careful about that.A I aint speaking about that.
Q Then you are mistaken when you said that John Pebsworth drew the leased district money? A This here last draw.
Q You were mistaken when you stated a while ago that John Pebsworth drew the leased district money. You were mistaken were you when you said that John Pebsworth drew the leased district money of yourself and your brothers? Answer that yes or no.
Q Commissioner: Answer it the best you can? A Well, I don't understand.
Q Do you know what the leased district money was? A I don't know that I do.
Q Then you don;t know what the leased district payment was? A I dont know that I am.
Q Then when your attorney asked you if John Pebsworth drew the leased district money for yourself and your brothers and you answered that he did--- A I said I thought he did.
Q Do you know what the leased district payment was? A I don't know that I do.
Q Do you know when it was made? A According to the time and all, I suppose that is when I was away in the state.
Q When was it? A About '95.
Q Did you get any money out of the leased district money? A Knew now that I didn't.
Q When did you get any I A I hadn't got any.
Q Is it your understanding that John Pebsworth drew the leased district money for yourself and your brothers? A I don;t know what you Qcall it but the draw before that.
Q Well, we will get to that, I am talking now about the leased district payment; is or is it not your understanding that John Pebsworth drew the money for yourself and brothers in 1893? A No sir.
Q Then it is not your understanding that he drew that money? A Not t then.
Q Then you don;t now think you got any leased district money at that time; you didn't get any? A No sir, not them.
Q And it is not your understanding that anybody else got any? A No sir
Q What payment are you talking about? A Good while before that.
Q Do you know what payment that was? A No sir, I never made no inquiries about it, I was living in the state.
Q At the time you speak of when this other payment was made where was Joe Davis living? A In Sugar Leaf County.
Q Where was Ace? A In Sugar Leaf County.

Q When did you first come to the Indian Territory; when you first commenced to remember were you in the Indian Territory? A Yes sir.
Q When did you go to the state; how far back can you remember distinctly as to where you have been? A I must study a minute.
Q Well, we will give you a chance to get at that accurately.
A I could not be positive but about eighteen or nineteen years ago is about the first time that I went out in the state.
Q Then you think you went out of the Territory into the state about 18 or 19 year ago? A As near as I can recollect.
Q Eighteen or nineteen years ago you think you went from the territory into the state? A Yes sir.
Q Did your mother go with you? A Yes sir.
Q Did your mother go with you, how old were you then, were you a grown man or a boy? A Just a boy.
Q [redacted] Your mother went with you? A Yes sir.
Q Where did you go? A We went over the state line into Sevier County
Q How long did you remain in the state? A As well as I recollect it was about three or four years?
Q Was your father living at that time? A Well, part of the time he was.
Q Did he die while you were in Arkansas? A Yes sir.
Q Did your father own land in Arkansas? A Why he bought a little place out there in Arkansas.
Q How long had your father been married to your mother at that time? How long had they been married; you have some information on that point I should think; how old were you at that time? A Yes sir.
Q Just give your best information now; ho long had your father been married to your mother when moved out of the Choctaw Nation and your father bought that farm? A I was just studying about it.
Q He had been married a good many years had he not? A Several years.
Q Is it your understanding then that your father and mother had lived continuously in Indian Territory since the marriage? A Pretty much of the time.
Q Had they lived there continuously? A No, they had lived part of the time in the territory and part of the time in the state.
Q You claim that your mother is a Choctaw Indian? A Yes sir.
Q Your father then took your mother a Choctaw woman and went into Arkansas and bout a place? A He bought a little place.
Q Where was that? A In Sevier County.
Q How big a farm? A About twenty five acres.
Q Then he sold that farm and moved back into the Choctaw Nation?
A My mother did.
Q Did your father die?there? A Yes sir.
Q Then your mother came back to the Indian Territory? A Yes sir.
Q That brings us down to about '85 or '86? A I could not say.
Q Now after your father bought that farm and your father died and your mother sold that farm and you back into the Indian Territory, when you moved back, how long did you stay? A Stayed there about two years.
Q How big a boy were you then; were you grown? A No sir.
Q Where did you go then at the end of that two years.
A Well we came from there then on--
Q Where did you go? A Went around up in Sugar Loaf County.
Q That is still in the Choctaw Nation? A Yes sir.
Q That closed the two years; you said you were there two years, then where did you go? A Two years down there in the Territory. In that part of the Territory.
Q Then you moved up into Sugar Loaf County? A Yes sir.
Q How long did you stay in Sugar Loaf County? A About a year.
Q Where did you go then? A Went from there out to Logan County.
Q Arkansas? A Yes sir.
Q What year did you arrive inLogan County? A I don:t recollect, but I believe it was about '88 when I struck Logan County. I believe it was, I can't be positive.

Q What had become of your mother? A She died.
Q When did she die? A Well a year or two years or three years?
A She was dead before I ever went to Logan County.
Q I understand that, but how long? A Why two years or a little better before I went to Logan County.
Q Where was John Pebsworth? A Joh n Pebsworth was living in the Indian Territory.
Q Then you come into Logan County about 1888 ~~mm~~ ? A Somewhere about that time.
Q How long did you stay in Logan County when you come there in '88?
A I stayed there one year.
Q What did you do? A I farmed.
Q How did you farm? Did you buy land? A No, I just worked there with old man Zack.
Q Were not you a grown man? A I was near about of age, but very small.
Q Then in 1888 you worked in Logan County with old Man Zack Davis?
A Yes sir.
Q Did you make a crop? A Yes sir.
Q Did you rent land from him? A No, I just kind of worked and made a share crop.
Q John Pebsworth knew about you in the Choctaw Nation; when you went to Logan County and made a share crop now in Logan County; you said about two years after your mother died, 1888, you went over into Logan County, now when you come to Logan County in 1888 how long did you stay there? A As well as I recollect, I stayed there about six years; five or six, somewhere along there.
Q What did you do during that six years? A I farmed a little
Q Did you buy land? A No sir.
Q Did you make a share crop? A Sometimes I did
Q Sometimes you made share crops and sometimes you rented? A Yes sir.
Q John Pebsworth knew all about you? A I guess he did.
A I thought you said he did? A I said I guessed he did.
Q John Pebsworth is a Choctaw Indian? A Yes sir.
Q Still you left the Choctaw Nation and made share crops in Arkansas during that six years? A Yes sir.
Q At the end of six years what did you do? A Come back to Cameron.
Q When did you arrive at Cameron? A A Little bettern than seven years ago or about seven years ago.
Q Then that is in about 1893 that you arrive in the Choctaw Nation that is in 1893? A Yes.
Q The leased district payment was going on when you got back in the Choctaw Nation? A No, they had just payed all of them when I got back here.
Q You heard about it when you were over in Logan County? A No I never heard about it.
Q John Pebsworth was living in the Choctaw Nation at that time and knew all about you? A No sir, I said I thought he did.
Q He was your mother's brother? A Yes sir.
Q When did you first apply to be placed on the Choctaw roll? Do you know or not?
Commission: Can't you answer that? A I don:t recollect exactly.
Commission: That must have been a very important event in your life. Can't you recollect that distinctly? A Well, I have not got a ~~xxxx

Q You have not gone out of the Choctaw Nation since 1893? A No sir.
Q Where did you live? A Lived one year at Cameron and moved down to where I am living now.
Q You don't know when you first applied to be placed on the Choctaw roll? A It must have been about--
Commission : How long was it after you came to the Territory?
Q Why it was something about near two years before the first enrollment, quite two years.
Q Two years after the first enrollment? A No, I said about two years before I enrolled after I come to the Territory.
Q That is after you came back here in'93 it was about two years after that that you applied to be placed on the rolls? A It was about that. I don't remember exactly.
Q You knew all the time that you were Choctaw Indians? A Certain.
Q And you knew all the time that you were related to John Pebsworth?
A Yes sir.
Q And John Pebsworth is a recognized Choctaw Indian? A Yes sir.
Q You never heard then, your statement is that you never heard of the leased district payment until after the money had been paid out
A No, I never heard of the last payment until after the payment.
Q Never heard anything about it until all the money had been paid out
A No sir.
Q How are you related to Joe Davis? A He and Joe are brothers.
Q How are you related to Ace? A Brothers.
Q Did they move around with you on these trips? A No sir.
Q Now you, your father and your mother went over to Arkansas when your father bought that farm; didn't they go with you? A They did, then, they were children.
Q They were all with you when you went over and bought that farm?
A Yes sir.
Q And after your father died and your mother sold the farm, you all came back to the Territory? A Yes sir.
Q Have they lived outside of the Choctaw Nation since that time?
A No he has not lived out in the state since that time.
Q Has Ace Davis lived out of the Choctaw Nation since that time?
A Yes, he has been out a little.
Q What counties has he lived in inArkansas? A He was in Logan County a short time; he was with me; no, he didn't go with me.
Q He joined you? A He came out there a little while ago.
Q How long did he stay out? A I think he was out there probably three or four months.
Q No longer than that? A I don't think so, I would not be positive.
Q Did he make a crop? A No sir.
Q Has he been out any other times? A No sir.
Q You would know it if he had? A Yes sir, I think I would.
Q You knew where he was all the time.
Q Then Ace Davis has not since your mother moved back with you children after the farm was sold in Arkansas, Ace Davis has not lived outside of the Choctaw Nation except the few months he lived with you inArkansas? A No, I am mistaken; he did go over to the Cherokee Nation? A
Q Over to the Cherokee Nation? A Yes sir.
Q How long did he stay there? A Well, he stayed there a little better than a year.
Q What did he do in the Cherokee Nation? A No, he didn't stay in the Cherokee Nation that long.
Q How long did he stay? A I don't remember; he come back on the Choctaw side and made a crop.
Q Then with the exception of the Cherokee trip, figuring that out now is this few months that he lived with you in Logan County, is that the only time that he has been out of the Choctaw Nation since your mother moved back to the Choctaw Nation with you children?

A Yes, that is the only time that I recollect anything about.
Q Then if he had lived in any other county in Arkansas, you would know it? A I guess I would.
Q Then if he stated under oath that he lived in Polk County, he was mistaken, was he? A Polk County? Well, I could not say that all he done while I was gone.
Q Well, you stated a little while ago,, I didn't lead you into that, you stated that you knew where he was and that he had not been out of the Territory except the time he was you inLogan County and in the Cherokee Nation. A I said I didn't think he had.
Q Has he lived anywhere else in Arkansas? A Not that I know of.
Q Did Joe Davis and ~~Marshall~~ Ace Davis apply to be put on the Choctaw roll at the same time you did? A At the same enrollment but at different times.
Q They had never been enrolled before that time had they? A Yes sir.
Q Did Joe Davis get his leased district money? A Yes sir that is what say.
Q Do you know that? A I don't know it to be facts because I was not there at the time.
Q Did Marshall A. Davis draw his leased district money? A That is my understanding.
Q What understanding have you about that? A My understanding was that they drew the money, that is what they both told me. I was not there at the time you see the leased district roll that is one thing I don't understand.
Q Well, I mean the $103.00 payment, you understand about that?
A Yes.
Q They lived in Atoka County in '93? A Yes, I think so.
Q Were they both living in the Choctaw Nation at that time? A Yes sir
Q How old is Joe Davis now? A Why, I guess he is about twenty six. I don't recollect exactly; somewhere alongabout that, going on twenty six.

Roll of 1893 examined, Sugar Loaf County, the name of Marshall A. Davis does not appear to be thereon.

Q Where did Marshall A. Davis live at that time? A He lived in Sugar Loaf County.
Q Have you ever appeared before the Commission before? A Yes sir.
Q At what place? A Wister.
Q Did your brothers appear before the Commission at that time and place? A Yes sir.

Re-direct.

Q Mr. Davis, are there not several families of Davis's up there in that section of the country? A Yes sir.
Q How are your families distinguished from the other Davis's among the Choctaw people up there? A Well, all the way they distinguish us from them is just by going by the name of Choctaw Davis.
Q That is among the Choctaw people? A Yes, and among other white people there, whome who dont know about the difference.
Q How many other families of Davises are there in that country?
A There are several.

Re-cross-Examination.

Q Is there a Choctaw family of Davis's? A Not only just us.
Q Do you know any other people of unquestioned Choctaw standing named Davis in that country anywhere within your knowledge?
A No, not by the name of Davis outside of us.

Witness excused.

Marshall A. Davis, having been first duly sworn by Acting Chairman, Tams Bixby, testified in behalf of the applicants, as follows:

Examination by C. M. Bagwell.

Q State your name, your age, and where you live. A My initials is Marshall A. Name in full full is Marshall, name in short Ace.
Q Your age? A Twenty eight.
Q Where do you live? ASugar Leaf County.
Q What is your post office? A Page.
Q I will ask you, Marshall, if in 1893 you drew any money in the Choctaw Nation? A Yes sir.
Q How much did you draw? A I drawed $103.00
Q $103.00? A Yes sir.
Q What money did you understand that that was? A I didn't understand anything about it. The payment come off and I went down, I aint got no education, I just went down.
Q I will ask you at that time what they called you A At that time?
Q Yes sir. A They call me Choctaw Davis
Q Well, what was they name that they had you unrolled under for that payment. Ace Davis.
Q Ace Davis? A Yes sir.
Q I will ask you if you are the identical person who was going by the name of Ace Davis there at that time? A Yes sir.
Q I will ask you if they don't call you Ace Davis now up there?
A Yes sir.
Q Most all of them called you Ace Davis now? A Yes sir.
Q Are you a Choctaw by blood? A Yes sir.
Q How long have you continuously resided in the Choctaw Nation without having moved out? How long since you last came into the Choctaw Nation and stayed? A It was about a year last -- the 19th of last June, and I had been in there some little time outside of From August till January in the Cherokee Nation from August till January
Q From August till January you were in the Cherokee Nation prior to that time you had been in the Choctaw Nation for a while? A Yes sir
Q Then moved back into the Choctaw Nation? A Yes sir.
Q And have lived continuously in the Choctaw Nation ever since?
A Yes sir.
Q What relation are you to Burke Davis? A Own brother
Q What relation are you to Joe Davis? A Brother.
Q Who were your mothers? A Emily Pebsworth.
Q Who did she marry? A Zack Davis.
Q Were there more than one Zack Davis? A Yes sir, I expect there is a dozen as far as that is concerned.
Q Did any other claim citizenship in the Choctaw Nation
A One that I know of.
Q What family of Davis is that, not your family?
A Yes, he is a relation of ours on our mother's side.
Q Did your father ever claim to be an Indian ? A No sir.
Q Does this Zack Davis live up there about Sugar Leaf County who claims to be an Indian? A No sir.
Q Then your Indian blood comes through your mother who was a Pebsworth before she married your father? A Yes sir.
Q Did you ever know one John Pebsworth? A Yes sir.
Q Where did he live? A Near Wheelock. Ever since I have been a small kid.
Q Was he a Choctaw citizen? A Claimed to be.
Q What relation was he to you? A He was an own uncle.
Q What relation was he to your mother? A Brother.
Q Do you own any property in the Choctaw Nation? A Yes sir.

Q Do you own that as a Choctaw citizen? A Yes sir.

Cross Examination by Mr. Cornish.

Q Where were you born? A Well sir, I am not able to tell you.
Q Where were you when you first began to recollect? A I cant be positive, but I think I was born in Scott County.
Q In what state? A It was in Untied States.
Q Scott County United States?
Commission? Arkansas? A Yes sir.
Q How long did you live in Scott County after you were born?
A I could not tell you that.
Q Where were you when you first began to recollect? A My first recollection when I first began to recollect, I was in the Nation.
Q What part of the Nation? A Near about Doaksville.
Q You heard your brother Joe Davis testify? A Yes sir.
Q Were you not in the room? A Part of the time.
Q How old were you when your father moved with you over to Arkansas and bought that farm in Sevier County? A I could not tell you that.
Q You are older than this man? A Yes sir.
Q He is older than you? A Yes sir.
Q How old are you? A Twenty eight.
Q Do you remember about your father buying that farm inArkansas?
A Yes sir, just remember it.
Q How long did you live in that part of Arkansas. A I was so small, I don't hardly know.
Q Did your father die there? A No sir, he didn't die there, he was living there when he was shot.
Q He was living there when he was killed? A Yes sir.
Q And after his death where did your mother remove? A Why she moved down in the state a piece as well as I remember, and they she did n't stay but a little bit and went back to the Territory
Q Did your father own a farm at the time of his death? A Yes sir.
Q What did she do with it, sell it? A Yes sir.
Q How long did your mother remain in the Territory then? A We lived there until she died.
Q Well, after the sale of the farm and your moved back into the Territory, how long did your mother live? A We were up there, as well as I remember, I was mighty small at that time, something near a year.
Q Your mother died? A Yes sir.
Q Then where did you go? A The year she stayed up we moved over to this edge like
Q Where was the edge? A In Arkansas or the Indian Territory?
A That was in the Territory.
Q How long did you stay when you moved back to the edge? A Not there a year.
Q What did you do then? A some time after our mother' died we moved back into the state.
Q What county? A Sevier.
Q How long did you remain in Sevier County? A Stayed there till along about ~~August~~ October.
Q Who was you staying with then? A Man by the name of Allen.
Q Was he a citizen of a white man? A White man; that was in the state.
Q How long did you stay inSevier County? A We stayed there from spring until October.
Q Then where did you go? A We moved to Sugar Loaf County.

Q That is in the Choctaw Nation? A Yes sir
Q How long did you remain in Sugar Loaf County? A Remained there off and on for thirteen years.
Q After the death of your mother you moved into Sevier County, Arkansas and remained there a year; you moved back into the Choctaw Nation did you? Have you lived in the Choctaw Nationcontinuously since that time? A No sir.
Q Well, after you got back into the Choctaw Nation on that trip how long did you remain in the Choctaw Nation? A Just stayed there I don't know how many years we stayed there.
Q About how many years?
Commission: Answer as near as you can. A I was there somethin' near three years.
Q Where did you go then? A I went out into Logan County, where my brother was.
Q Your brother had gone ahead of you? A Yes sir.
Q Or did you and your brother go at the same time? A No sir.
Q How long did you stay there? A I don't know exactly.
Q Just as near as you can? A I was out there I reckon some few months I don't know exactly.
Q Some few months? A I never have thought much about it.
Q Now how long did you stay inLogan County when you went out there to join your brother? You can't get at it exactly but you can get about it. A Why, I was out there I reckon some three or four or five months. Don't know how long I was there.
Q Were you there longer than six months? A I might have been.
Q Suppose you fix it as near as you can, that you are willing to stand on, how long you stayed in Logan County? A It might have been six months.
Q Well, you make the statement? A If I had been studying anything about that I could have had it summed up so I could know just exactly. It might have been six months.
Q Was it longer than six months? A I don't think it was.
Q Was it longer than nine months? A I don't think it was.
Q Are you positive it was not longer than nine months? A Yes sir, I don't think it; I am pretty well satisfied it was not over nine months.
Q Then that is the only residence you had in Logan County? A No more than just going over to pay a visit. I had a home in the Choctaw Nationall the time.
Q Then this nine months is the only time you remained in Logan County that you lived there? A Yes sir.
Q What did you do in Logan County? A Nothing much.
Q Did you make a crop? A No sir.
Q Did you appear before the Commission at Wister? A Yes sir.
Q Your name is Ace Davis? A Yes sir.
Q You appeared before the Commission and gave testimony? A Yes sir.
Q You were sworn by Captain McKennon at that time? A Yes sir.
Q Did you state at that time that you had lived in Logan County four years? A No sir.
Q You didn't? A No sir, if I did it is not true.
Q If you made the statement that you had remained in Logan County four years that statement is not true, is it? A No sir.
Q How did you come to make that statement? A Well, I must have made it in my sleep.
Q The record shows it? A Four years?
Q When did you first apply for Choctaw citizenship? A Why, I don't remember when I made any apply, I have always made-- ever since I have been in the Territory I have never been known only as a citizen been counted as a citizen all the way through.
Q Who placed your name on the 1896 roll? A What roll? Well I could not tell you that.

Q Your name is Marshall A. Davis? A That is my initials.
Q your mother is dead is she? A Yes sir.
Q From whom did you get the name Marshall, what relative, do you know? A No sir.
Q What does the A stand for? A Ace.
Q Then your name is Marshall Ace Davis? A Yes sir.
Q Who paid you your leased district money? A I could not tell you that I didn't know none of them.
Q How did they pay you A They gave me a check?
Q Who gave you a check? A I could not tell you.
Q Whose name was signed to it? A I could not tell you that. I can't read.
Q What did you do with the check? A Sam Holstein cashed it for me.
Q How is he related to Judge Holstein? A Cousin or brother.
Q What Choctaw people down there knew about you drawing the leased district money. Does Peter Conser know it? A He said a while ago he didn't do it.
Q Who paid you money? A Sam Holstein and Erwin Justice
Q How are you related to this man who has just testified? What relation is he to you? A Brother.
Q Are you brother to Joe Davis? A Yes sir.
Q Of the same mother? A Yes sir.
Q How long since you have seen John Pebsworth? A why it has been, it is about seven years now since I seen him; about seven years since I seen him.

Re-direct examination.

Q I will ask you if he is living or dead? A He is dead.
Q You have learned that he is dead? A Yes sir.
Q You say that Sam Holstein and Erwin Justice paid you your money for your check on the leased district money? A Yes sir.
Q I will ask you how come they to pay you your money?
A Well sir, I owed Erwin Justice nine dollars and some few cents and I owed Sam Holstein thirty three dollars and some cents, I don't know just exactly, and when I drew the check they was there and I I told them if they would cash the check I would pay them and they went in and cashed the check.
Q And gave you the balance of the money? A Yes sir.

Witness excused.

Mary Ann Davis, having been first duly sworn by Acting Chairman Tams Bixby, testifies on behalf of the applicants as follows

Examination by C. M. Ragsdell.

Q What is your name? A My full name?
Q Yes. A Wamey Arm Davis.
Q What is your age? A I will be fifty seven years old the 21st day of January.
Q Where do you live? A I live inSugar Leaf County this Nation now.
Q What relation are to Marshall A., Joe and Burke Davis?
A Just an aunt by marriage, I married their father's brother.
Q An aunt by marriage? A Yes sir.
Q Did you know their father? A Yes sir.
Q What was his name? A Enoch Davis.
Q Did you know their mother? A Yes sir, knew her ever since I was a little child.
Q What was her name? A Emily Pebsworth, [illegible]

Q Emily Davis after she was married wasn't it? A Yes sir.
Q Who was she before she was married? A She was a Pebsworth.
Q Do you know her father's and mother's names? A Not given names, nor I won't be positive on her mother's given name? I only think by the children's names, some of them. I wont be positive.
Q Do you remember her brothers and sisters? A Yes sir.
Q Can you name some of them? A I can call all of the names.
Q Well, give me the names of Mrs. Davis's brothers and sisters?
A I will give the brother's names first: Joe Pebsworth.
Q Go ahead. Bob Pebsworth.
Q Go ahead? A John Pebsworth. Caroline Pebsworth. Amy Pebsworth Matilda Pebsworth. Mary Pebsworth, Emily Pebsworth, she was the baby.
Q Who was Emily Pebsworth after she married Zack Davis? Is she the mother of those three boys? A Yes sir, she is the mother of these three boys.
Q What nationality was she a white person or Indian?
A She was Indian.
Q Do you know to what tribe she belonged? A Choctaw tribe she belonged or at least she was called that.
Q you always knew her as a Choctaw Indian then? A Yes sir, they go by that name , called Choctaw.
Q What became of John Pebsworth? A He died.
Q Where did you first know him? A I knew him in Clark County, here I knew all of them.
Q Clark County where? A Arkansas.
Q What became of him? A He came to the Choctaw Nation.
Q Whereabouts did he stop in the Nation? Where did he make his home.
A Down close to Wheelock.
Q Do you know who he married? A First?
Q Yes, or any time? A Well he married three times.
Q Who did he marry first? A He married Susan Parlin.
Q Do you know the name of his second wife? A I could not give her name positive, her given name was Mary, but I don't know her maiden name.
Q Who was his third wife? A She was a Williams; Molly Williams.
Q Was she a Choctaw Indian by blood? A John Pebsworth?
A Yes. A Yes sir.
Q Do you know where he is now? A He is dead.
Q Where did he live at the time of his death? A Down here near Wheelock.
Q Then you state that the mother of these three boys, Marshall A. Davis, Burke Davis and Joe Davis, was a Choctaw Indian by blood?
A Yes sir, called so.
Q Always known to you as a Choctaw? A yes they was always called Choctaw.
Q At the time you knew her did you have your eyesight? A Yes sir.
Q From her appearance did she appear to be a Choctaw or white person? A she had Indian ways considerable.
Q How about her complexion? A She was tolerable dark, blue eyes dark skin, good looking.
Q How was John Pebsworth? A He was pretty dark, dark eyes and dark hair.
Q Do you know whether or not Mrs. Davis, the mother of these boys, was ever recognized as a Choctaw Indian by the Indian tribe or authorities in the Choctaw Nation? A Well, I could not say that I know this only by hearsay; no her mother used to come down there and draw money, but beyond it I don't know this only by hearsay of the people talking that knew this. Her mother the old lady Pebsworth came in Shaleton Depot.
Q To refresh your memory, I will ask you if it was not Skullyville they went to? A No, I don't think it was.
Q Well, was it Shaleton Depot? A Maybe that was it; it was no depot,

because there is no railroad there.
Q That is your understanding that she went to Skelton Depot? A I have heard of the people talking about her going down there and staying there when the waters were up. I just know this by hearsay. You see I know the old lady Pebsworth and her children in Clark County where we was all raised.
Q Is that where she would come from to the Choctaw Nation? A Yes sir
Q Come in and draw her money
Q How long has she been dead? A Oh, mercy, I could not tell you. She died when I was a little girl when I used to see the old lady.
Q Then Zack Davis was a white man or a Choctaw? A These children's father?
Q Yes. A He was a white man, he never claimed.
Q You say the mother was a Choctaw? A Claimed to be.
Q I will ask you if you know how long that these boys have continuously lived in the Indian Territory since the last time they came in? A The last time they come in here, I think I came right with them; of course I can tell you. I have been with them and it will be nigh seven years.
Q Seven years you have been with them? A Yes sir. of course it aint March now, but in Marchit will be seven years.

Cross Examination.

Q What is your husband's given name? A James.
Q Then the father of these boys to your husband was a brother?
A Yes sir, he was brother.
Q You lived in Clark County Arkansas? A Yes sir.
Q What post office? A I could not tell you, of course Arkadelphia, I was raised in ten miles of Arkadelphia. [redacted]
Q You lived there the greater part of your life? A Oh no.
Q How long did you live in Clark County? A I don't know that I could give you a permanent answer.
Q A great many years? A Yes, I was brought from Tennessee when I was eight years old and I was married just about fourteen years.
Q Then you left in Clark County and came here? A No, I left Clark County and came up into Sevier County.
Q Then how many years? A Until the second year after to this.
Q Could not you give us a idea about how many years it was within a year or two; ten, or twenty or thirty years, about how many years
A Why, I reckon I was about twenty four years, I [redacted] am taking off a part of that when I was about eight years old I was brought from Tennessee, you can count it faster than i could done it.
Q You knew these Pebsworths up in Clark County? A Yes sir.
Q You know them a good long time? A I have told you about the length of time. I was about eight years old-- I will say that I have been acquainted with this ever since I was between eight and nine years old.
Q You have known them a good long time? A Except that, I have known them all my life.
Q You were pretty well acquainted with them? A Yes sir.
Q What was the name of the mother of Emily? A Well, I could not tell you positive. I would not say that I ever heard the old lady's name
Q That is the mother of Emily? A I don't know her name positive, but I believe her name was Emeline.
Q You don't remember positively? A No sir.
Q What was her father's name? A No sir.
Q How many children was it they had? A Five daughters and three sons
Q Now you mentioned the names of all of them a while ago.
A Yes sir, I mentioned the name? I knew them well.
Q When did the old lady Pebsworth die? A I could not tell you, she

died when I was a little child.
Q How do you remember the names of eight children and cannot remember the name of the mother. A Why, you must remember that I was raised with them and I was a little child when she passed away.
Q Now these seven brothers and sisters was raised with you there in Clark County? A Yes sir.
Q And you know them better than you did the old lady? A Why, you see I was a little child.
Q Now what was the name of the oldest Pebsworth child? A I could not tell you which was the oldest. I give Joe Pebsworth's name first.
Q Is Joe living or dead? A Dead.
Q Where did he die? A In Clark County.
Q How old a man was he? A I don't know.
Q Well you can tell something? A He was a man and had a family when I was a little child.
Q Did Joe Pebsworth now when you was a little child? A Why, he never died when I was a little child, because he was a little man after the peace was made.
Q Then he died after the war? A Yes sir.
Q You knew him then and his family? A All lived about [illegible] five or thirty miles a part. It might not have been so far.
Q How did you come to know these people? Did you first see them or meet them at church or how do you know them? A My first acquaintance is I went right to the house; not to the Pebsworth house at all the house of Mary Clover, their aunt and this here Grandma Clover was right there, I recollect that well, I was a little child, one of little Clovers was dead; I was all the child my father had and he had carried me there and I saw them talking on their fingers, old man Pebsworth and his wife was deaf and dumb [illegible]
Q Joe Pebsworhh was a man of family? A Yes sir.
Q What was the name of his wife? A Could not tell you.
Q Do you know the name of his wife? A No.
Q What was his business? A He was a farmer.
Q Did he own or rent land? A I don't know.
Q Give us the name of another Pebsworth boy? A Bob
Q Is Bob living or dead? A Is dead, Bob died.
Q When and where; was he a man of family? A He was married twice.
Q What was the name of his wife? A It has been so long ago.
Q You remember the name of ahl these boys? A I knowed them quite well
Q Was Bob a grown man when he died? A YesHe was a grown man, and had had two wives but no children; he had had but they died.
Q You don't remember the names of either of his wives? A I believe this last wife was named Louramia.
Q What business was Bob in? A None.
Q Had no business? A No.
Q What did he do for a living? AJust like any other poor man, just worked enough to keep soul and body together.
Q Where did he die? A In Arkansas.
Q Give us the name of another Pebsworth. John. John Pebsworth was a pretty shrewd man.
Q Is he dead? A Yes sir.
Q Did he have a wife? A Yes sir.
Q What was her name? A Mollie Williams.
Q What was John's business? A I could not tell whatever come up that had any money in it.
Q He lived there in Clark County? A Yes sir.
Q He was a pretty shrewd man? A Yes sir. I was giving his last wife's name; he had been married three times. I give you his last wife's name.

Q Yes; we are now talking about John himself. He was a pretty shrewd man? A He was a pretty shrewd Indian.
Q He had considerable means? A I don't suppose he had a very much.
Q How long has he been dead? A I don't know.
Q Well you know when he died? A Not positive.
Q Well he is dead? A Yes, he is dead.
Q And his wife both xxxxxxxxxxxxxxxx
Q They died there in Clark County, Arkansas? A No sir, he died in this Nation.
Q When did he leave Arkansas? A He left during the time of the war.
Q When did he leave Clark County? A I came up into Sevier County, and now the year-- the year- I aint been in this Nation only going on seven years. other
Q What became of the Pebsworth boys? A There aint any ther.
Q Now let us take the girls: What is the name of the girl I reckon I gave the first one Caroline.
Q Who did Caroline marry? A A man by the name of Jordan.
Q Was he a white man or Indian? A White man.
Q What was in Clark County, Arkansas? A Yes sir.
Q Is she living or dead? A Dead.
Q Where did she die? A There in Clark County.
Q The name of another? A Amy.
Q Is Amy living or dead? A She died years and years ago when I was a little child.
Q Did she marry? A Yes sir.
Q Did she have a family? A Yes sir.
Q Died in Clark County? A Yes sir.
Q What business was her husband in? A Nothing much.
Q Did he make a living? A He was a hunter.
Q Did he make crops? A I don't know.
Q You dont know whether he owned land or rented land or made share crops? A No, I dont know anything about that.
Q Do you know anything about whether Bob Pebsworth made crops from year to year? A No, he didn't.
Q Do you know whether or not John Pebsworth madd crops from year to year? A I suppose he did; I could not tell you much about what any of them followed, I have been separated from them a good many years
Q Now there is just one girl left. That is this girl Emily? A No, the there is two more girls.
Q What is the next one? A I don,t remember which one I named next. Matilda.
Q Is Matilda living or dead? A Living I reckon, she was the last time I heard.
Q Where is she living? A In Clark County.
Q Is she married? A Yes sir.
Q Who did she marry? A Clover.
Q Did you know them pretty well? A Yes, I did.
Q What did Mr. Clover do for a living? A I could not tell you.
Q Did he run a stor e? A He was just a common poor boy.
Q Had a farm? A I reckon.
Q Did he own land or rent or make share crops? A I reckon he owned land; the two widows got the land.
Q So you think the two owned land. Did John Pebsworth own land?
A He owned such land as there was in the Choctaw Nation.
Q Did he own land in Arkansas? A No sir.
Q Did Bob Pebsworth own any land? A No sir.
Q Sure of that? A Yes sir.
Q Did Joe Pebsworth own lany land? A I could not tell you.
Q Is there another girl? A Yes sir.
Q What is her name? A Mary.
Q Who did she marry? A Clover.
Q Is she living now? A Yes sir.
Q Where is she living; where is she? A She was in the Nation, I heard of her last summer a year ago.
Q How long had she been in the Nation? A I don't know, I just heard.
Q You had never heard of her after leaving Clark County? A Oh yes I

I heard of them and met them.
Q Where? A I met them about fifteen miles from McKane's Stand
Q Is that in the state or the territory? A It is on the line.
Q On which side of the line? A On the state side.
Q Do you know where Mary lives now at this time? A I could not tell whether she has rented her old home and was now living with her son in the Nation or what;
Q When her husband died she remained on the farm? A Yes sir.
Q Her husband was a farmer? A Yes sir.
Q Did he own any land? A I reckon so; he lived and his family.
Q Who did Emily marry? A She married this Zack Davis.
Q He was a whiteman? A Yes sir.
Q When did he marry her? A I could not tell you how long it has been
Q How long did you live about them, rent around there after Emily Zack? A We lived in the house off and on, you see I married a brother to him and we lived there sometimes in the house with one anotherand sometimes as neighbors to one another and sometimes we would be fifteen or twenty or twenty five miles apart; that is the was we lived. That is just as near as I could tell the straight of it.
Q How long did you keep trace of Emily after she was married.
A I knew just exactly where she was unless she drifted over into Texas somewhere and be gone maybe a year; you see my husband died in time of war and I went blind and I get me settled home at Uncle Sam Dick's.
Q Here is what I am trying to get at; after Emily married Zack, how long did the live in Clark County? A Well, I don't know that I can tell you the number of years. He and my husband left there. You see her and him married before I was near grown.
Q What did Zack Davis do for a living? A Worked by the month.
Q Did he make any crop? A No sir.
Q How long did he live in Clark County? A He was raised there.
Q After he married Emily how long did he live there. A I could not exactly tell it. I don't remember exactly how many children they did have; they made that their home. in Clark County until after the war.
Q Did he make crops from year to year or work by the month? A No, sometimes he worked by the month.then
Q Then when he made crops how did he make them? Did he own his land?
A No.
Q Did he rent land? A Yes sir.
Q Make share crops? A Couldn't say that I ever knew him to make share crops
Q You never knew any Pebsworth family except this? A No sir. This is the only one I ever did know.

Re-direct Examination.

Q Was Zack Davis of a settled or roving disposition? A Roving.
Q Very roving? A Yes sir, that is what is the matter; that is what is the trouble with these boys today.

Mr. Ragsdell: Now, your honor, I would like to ask permission to take some further evidence before this Commission at some time in the future, not close the case today.

Commission: Permission is granted the applicants to to take further testimony at a later date.

Second Cross Examination.

Q After John Pebsworth left Clark County and came out into this

countyy, do you know of your own personal knowledge what became of him? A John Pebsworth? That he is living or dead?
Q Just what became of him after he came out to this country, do you know of your own knowledge? A No, I could not say that I did. I was with him off and on.
Q After he left there and came over to the Territory do you know what became of him? A I don't know that I understand just what you mean.
Q Do you know whether or not he is living or dead at this time?
A He is dead. And I told you a while ago he is dead , and his wife is dead.
Q Now you didn't see him after he left you in Clark County any more, you didn't see him any more? A I didn't see him any more, but I have been in his company many a time.
Q Where? A In Sevier County.
Q Have you ever been with him in Indian Territory? A No sir, I could not say that --- Yes I have, down in the lower part of this Nation. I came mighty near not recollecting.
Q When was that? A I could not tell; it was several years after the war.
Q Do you know of your own personal knowledge , not what some one else has told you, do you know of your own personal knowledge when John Pebsworth came to this Nation his name was placed on the roll and he was recognized as a Cheetaw? A No, I could not say that positive because I have never had much business in this Nation.

Witness Excused.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported all proceedings had in the above entitled cause on the 5th day of December, 1900, and that the above and foregoing is a true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 10thday of December,1900.

Acting Chairman.

C O P Y.

Choctaw D-193

Muskogee, Indian Territory, February 27, 1902.

Joe Davis,

Page, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

On saiddate you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introducesuch testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. N E E D L E S,

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 5, 1902.

Joe Davis,	
vs.	D-193.
The Choctaw Nation.	

In the matter of the application of Joe Davis for enrollment as a citizen by blood of the Choctaw Nation.

On the 27th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Joe Davis for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 5th day of April, 1902, for final consideration.

Now on this 5th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appears by its counsel, Mansfield, McMurray & Cornish, and the applicant appears by his counsel, C. M. Bagwell and Tom W. Neal, and request is made by the attorneys for the applicant that reference be made to the testimony taken in the case of Marshall A. Davis, D-191, and that the said be considered as testimony and applied to this case. Upon request of the attorneys for the applicants fifteen days from this date is allowed in which to file their brief of this case.

Hal Bellford being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 7 day of April, 1902.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 3, 1908.

Marshall A. Davis, et al.

vs. D-191.

The Choctaw Nation.

In the matter of the application of Marshall A. Davis, for the enrollment of himself and his two minor children, William A. Davis and Orin Davis as citizens by blood of the Choctaw Nation, and for the enrollment of his wife Emma Davis, as a citizen by intermarriage of the Choctaw Nation.

On the 27th day of February, 1908, the applicant was notified by registered mail, and on the 6th day of March, 1908, the attorneys for the Choctaw Nation were also notified by registered mail that the application of Marshall A. Davis, for the enrollment of himself, his wife, and children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 6th day of April, 1908, for final consideration.

Now on this 6th day of April, 1908, this cause coming on to be heard pursuant to said notice, the following proceedings was had:

APPEARANCES:-

T. B. Urban, attorney on behalf of the applicant.

C. M. Reynolds, Attorney for the applicant.

Tom W. Neal, Attorney for the applicant.

Reynolds, Mehaffey & Reynolds, Attorneys for the Choctaw and Chickasaw Nations.

W. C. Graham, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q. What is your name ? A W. C. Graham.
Q What is your age, Mr. Graham ? A I'll be sixty years old the 18th day of next July.
Q What is your post office address ? A Tenanna, Cherokee Nation, I. T.
Q Tenanna, Cherokee Nation, I. T. ? A Yes sir.
Q How long have you lived in the Indian Territory ? A Well I have been living in it off and on all my life; first in Arkansas and then to Texas and then back in the Indian Territory. I have been living up in the Indian Territory for the last twenty-years and lived always on the line.
Q Are you a citizen of any of the five Nations ? A No, sir, not none at all.
Q Are you a citizen ? A. No sir.

Examination by attorney.

Q Are you an applicant for citizenship in either of the Five Civilized Tribes ? A. Sir ?
Q Are you an applicant for citizenship in any of the Nations--- have you ever made application to become a citizen ? A None at all.
Q Are you related to the Davises the applicants in this case ? A Why I knew them.
Q Are you related to them ? A No sir, none at all.
Q You say you knew Marshall A. Davis, Joe Davis and Bert Davis ? A Yes sir.
Q. Did you know their father ? A. Yes sir.
Q How long since you first knew their father ? A I knew him ever since '61.
Q Since '61 ? A Yes sir.
Q Did you know their mother ? A Yes sir.
Q Do you know who she was before her marriage to Mr. Davis ? A Yes sir, the first I knew of her her name was Emily Padgworth.
Q. Emily Padgworth ? A Yes sir.
Q What was their father's name --- first name ? A Whose father's ? Q Bert Davis, and Marshall Davis and Joe Davis ? A Byron.
Q Byron --- was he called by any other name ? A Bush.
Q Bush ? A Yes sir, Byron Bush.
Q Was he a United States Citizen or an Indian ? A He was a United States man.

Q United States citizen ? A Yes sir, till he married that woman.
Q Well, then he was a white man ? A Yes sir, he was a white man
Q Was Emma Davis the mother of these people a white woman or an Idian woman ? A. She was I reaken an Indian woman. She was awful dark.
Q Did you know any of the rest of her family, the Padgwerth family ? A Yes sir, I knowed her brother John well, and I knowed her mammy.
Q Do you know whether or not they were recognized as Choctaws ? A Yes, John was.
Q You know John to have been recognized as a Choctaw citizen ? A Yes sir, John Was, I know. I never saw John -- never saw him draw any money, but he told me that he did draw it.
Q You know him to be recognized as a Choctaw citizen ? A Oh yes, and Welcak. I have been to his house lots of times, to Welcak's lots of times.
Q How long has it been since you first knew the Padgwerth family as Choctaws ? A Ever since '61.
Q Ever since '61 ? A Yes sir.
Q I will ask you if since that time they have up to the time of their death, if they exercised all the rights and privileges of Choctaw citizens in the Choctaw Nation ? AWhy, John did. Now Emily was dead before she stayed in the Territory-- lived in the Territory, and was called a Choctaw all over the country.
Q And you say that John Padgwerth exercised the rights and privileges of a Choctaw citizen all the time ? A Yes sir.
Q Her brother ? A Yes sir.
Q Was this right exercised as a Choctaw by blood ? A Yes sir, yes sir, by blood and by color.
Q Do you know where Mrs/ Davis the mother of these Davis boys died. A Yes sir.
Q. How long since ? A Well, I coundn't tell you. I was right there though when she died but I honestly can't tell you. It has been a good many years.
Q Where was she living at that time ? A She was living right in the edge of the ---- right in the edge of the state of Arkansas I think, but it was right on the line. I couldn't swear whether it was in the Territory or in the state of Arkansas. Right on the line when she died. I know awful well when she died.
Q About how many years since she died ? Just about -- to your best recollection ? A Well, let me see -- well, I hate to say because I can't tell.
Q At least it's been several years ?AYes, it's been several years. It's been some thing over fifteen years I expect.
Q About fifteen ? A Yes sir, between fifteen and upwards.

By the Commission.

Q Mr. Graham, are these boys you speak of, Marshall A. Davis, Bert Davis and Joe Davis all brothers ? A I reaken they are Captain. I have known them and their mammy ever since before they was born and she raised the little fellows.

Q Who was the mother ? A. Emily Padgworth, was thier mother, Emily Davis. She was a Padgworth before she married Byron Davis, Byron Zach they called him.

Q Now Zach Davis and Emily Davis, the father and mother of these men here are both dead are they ? A. Yes sir, they are both dead.

Q Been dead a good while ? A Yes sir, Dollarhide killed Byron.

Q Zach Davis, during his life was never recognized and exercised any of the priviliages of a Choctaw citizen ? A No, he never could none when he lived here.

Q Well, couldn't anybody live here that got permission from the Indian Agent ? A They had a right. They didn't have to have any permits like we did or any thing of that kind.

Q Well, Zach Davis was never put on any of the Choctaw rolls as an intermarried citizen was he? A Not that I know of.

Q Was Emily Davis on any of the rolls ? A Not that I knew of, John Padgworth was appointed I reckon something like guardian for these childrem; her brother you know, John; and John he get into trouble and come right straight to my house where I lived in Arkansas, in nine miles of the Choctaw line, and he told me that he was agent for these children.

Q Well, do you know whether any of these boys have ever been on any of the Choctaw rolls, Joe Davis, Bert Davis and Marshall A. Davis ? A Joe and Ase--I know Joe and Ace has drawed money; I never seen them draw it, but them they would go off and come back with the money.

Q. Well, you never was present and saw them draw any money ?

A No, I wasn't Captain.

Q Don't know any thing about that only what some one else has told you ? A No, I don't know it.

Q Do you know whether they were ever recognized by the Choctaw National authorities as Choctaw citizens ? A Why, they held land.

Q Answer my question now. Do you know whether they have ever been recognized by the Choctaw authorities, that is the Government and the Counsel of the Choctaw Nation, or the people who were in authority in the Choctaw Nation ? A Why, I never have saw their names enrolled, Captain, on any book, no sir.

Q Do you know whether they were ever admitted by an act of the Choctaw counsel as citizens ? A I saw permits that they give John.

Q Well, that wasn't issued by the Choctaw counsel was it ? Yes sir, by the Choctaw Courts.

Q Well, I am talking about the Choctaw Counsel ? A No sir, I don't know that.

Q You don't know what authority the Choctaw Courts had to admit people do you ? A We worked our land tenants and need to have to go down and get our permits.

Q Now all you know about their being recognized is that they got permits for white people ? A Yes sir, living on our places down there.

Q You don't know any thing about whether they are on any of the rolls or not ? No sir, I never have saw their names on the roll, but I know they come to the Choctaw Court and fetched us back permits.

Q If their names are on any of the rolls you don't know anything about how they got there do you ? A No sir, I don't know Captain.

Q You never was present with them at any meeting of the Choctaw Counsel ? A No sir, not at none at all.

Q Yet never went before them at any enrolling camp in the Choctaw Nation ---- did you — before the Commission ? A No sir, I did not, I did not.

By Attorney Tom W. Neal:

Q Now, I see in this, in the examination at Atoka, I see that in the statement of the attorney for the Nation, the enrollment of these parties upon the rolls of 1896 is referred to. Now are these rolls here.?

By the Commission:

Yes sir.

By Attorney Tom W. Neal:

Q. Have you the rolls.?

By the Commission:

Yes sir.

By Attorney Tom W. Neal:

Well, I will ask to refer to these rolls for all of these parties except the younger one, to show that they are enrolled.

By the Commission:

All right sir. Now as I understand the Counsel asks that the evidence taken in this case be referred to in the case of Bert Davis, No. 192, and also Joe Davis, No 193, and be considered as evidence in these cases.

By Attorney Neal:

Q Do you know whether Marshall Davis, Joe Davis and Bert Davis are brothers ? A Oh, yes sir they were bound to be. I knowed them all right there before they was born.

By the Commission:

Upon request of the Counsel for the applicant fifteen days from this date is allowed in which to file their written brief in this case.

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Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings had in the above entitled cause on the 5th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

(Signed) Hal Belford.

Subscribed and sworn to before me this 7 day of April, 1902.

(Signed) Clara Mitchell Wood,

Notary Public.

INDIAN TERRITORY.
WESTERN DISTRICT.

I, Philip G. Reuter, a Notary Public in and for the Western District of Indian Territory, duly commissioned and acting, do hereby certify that the above and foregoing is a true, full and correct copy of the proceedings had before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, April 5, 1902, in the case of Marshall A. Davis, et al., vs. Choctaw Nation, Choctaw Doubtful, No. 191.

IN WITNESS WHEREOF, I have hereunto set my hand at Muskogee, in the Western District of Indian Territory, this 16th day of August, 1902.

Notary Public.

7-D-193

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Davis for the enrollment of himself as a citizen by blood of the Choctaw Nation.

- D E C I S I O N -

The record in this case shows that on June 5, 1899, Joe Davis appeared before the Commission at Wister, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Choctaw Nation. Further proceedings were had in this case at Ateka, Indian Territory, on December 8, 1900, and at Muskogee, Indian Territory, on April 5, 1902.

It further appears from the evidence submitted in this case that the applicant, Joe Davis, is a son of Emily Davis (nee Pebsworth or Padgworth), a recognized citizen by blood of the Choctaw Nation, and Zack Davis, a non-citizen white man; and on examination of the Choctaw tribal rolls in the possession of the Commission the name of the applicant herein is identified on the 1893 Leased District payment roll of the Choctaw Nation, Sugar Leaf County, No.190; also on the 1896 Choctaw census roll, No.3255.

It further appears from the evidence herein that this applicant was on June 28, 1898, a resident in good faith of Indian Territory and had been a resident of said Territory for eleven years next prior thereto.

It is therefore the opinion of this Commission that Joe Davis should be enrolled as a citizen by blood of the Choctaw Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

SIGNED C. R. Breckinridge.
COMMISSIONER.

Commissioner.

Muskogee, Indian Territory,

JUL 30 1903

COPY.

Choctaw-D193.

Muskogee, Indian Territory, July 30, 1903.

Joe Davis,

Page, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.
Enc. Hh 3-30

Choctaw-2193

COPY.

Muskogee, Indian Territory, July 30, 1903.

C. M. Bagwell,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Joe Davis for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.
Enc. Kh 98-30.

Choctaw-D193.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Tom W. Neal,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Joe Davis for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.
Enc. Mh 97-30.

COPY. Choctaw-2193

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South Mc Alester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Joe Davis for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED T. B. Needles.

Commissioner in Charge.

Registered.

Enc. Hh 4-30

Muskogee, Indian Territory, November 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On July 30, 1903, the Commission rendered a decision enrolling Joe Davis as a citizen by blood of the Choctaw Nation. A copy of such decision was on the same date furnished Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations. They were advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the action of the Commission in enrolling said Joe Davis as a citizen of the Choctaw Nation. No protest was filed within the time prescribed, but, under date of November 9, 1903, protest to the final disposition of the applications of all persons, claiming under the act of the Choctaw National Council, approved October 24, 1888, admitting Z. T. Davis, et al., to citizenship in the Choctaw Nation, was filed.

The Commission has this day transmitted to the Department, under separate cover, the record in the matter of the application of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation.

The rights of Joe Davis as a citizen of the Choctaw Na-

tion are dependent upon the act of the Choctaw National Council, approved October 24, 1888, admitting Z. T. Davis, et al., to citizenship in the Choctaw Nation.

In accordance with the general protest of the attorneys for the Choctaw and Chickasaw Nations, made to this Commission on July 8, 1903 and to the Secretary of the Interior on September 17, 1903, the record in the matter of the application of Joe Davis for enrollment as a citizen of the Choctaw Nation, together with the decision of the Commission of July 30, 1903, is herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Muskogee, Indian Territory, February 6, 1904.

Joe Davis,

Page, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, you are advised that the attorneys for the Choctaw and Chickasaw Nations have this day forwarded the Secretary of the Interior through the Commission a request on behalf of the Choctaw and Chickasaw Nations, that final decision in your case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On July 30, 1903, the Commission rendered a decision enrolling Joe Davis as a citizen by blood of the Choctaw Nation. A copy of such decision was on the same date furnished Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations. They were advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the action of the Commission in enrolling said Joe Davis as a citizen of the Choctaw Nation. No protest was filed within the time prescribed, but, under date of November 9, 1903, protests to the final disposition of the applications of all persons, claiming under the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting T. T. Davis, et al., to citizenship in the Choctaw Nation, was filed.

The rights of Joe Davis as a citizen by blood of the Choctaw Nation are dependent upon the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting T. T. Davis, et al., to citizenship in the Choctaw Nation.

In accordance with the general protest of the attorneys

for the Choctaw and Chickasaw Nations, made to this Commission on July 8, 1903, and to the Secretary of the Interior on September 17, 1903, the Commission, on November 11, 1903, forwarded the Department the record in the matter of the application of Joe Davis as a citizen by blood of the Choctaw Nation, together with the decision of the Commission of July 30, 1903.

The Commission is now in receipt of a request by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket.

Said request is transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
1 inclosure (W. P. 7-2604)

(COPY) Y.P. FEE.

DC.25578-1904. DEPARTMENT OF THE INTERIOR,
WASHINGTON, July 14, 1904.

ITD.
8291, 8293, 8297,
8636, 10421 - 1903.
2142, 2144, 2162,
4515, 5497 - 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 7, 1903, the Indian Office submitted the records in the Choctaw enrollment cases of Marshall A. Davis et al.; Burk Davis et al., and Joe Davis.

You found in your decision in the case of Marshall A. Davis, that the said principal applicant is the son of Emily Davis (nee Pebsworth, or Padgworth), a recognized citizen by blood of the Choctaw Nation, and Zack Davis, a non-citizen white man. Emma Davis claims enrollment by reason of her intermarriage to said principal applicant. The minor applicants, William Z. Davis, Oria Davis, and Marshall J. Davis, are the offspring of said union. Marshall A. Davis is identified on the 1885 Choctaw leased district payment roll, and on the 1896 census roll of the Choctaw Nation. It appears that all of the applicants were bona fide residents of the Indian Territory at the time of the hearing, and the principal applicant and his wife had been residents of the Territory for a number of years prior to that time; also that the minor applicants were born subsequent to the preparation of the last tribal roll of the Choctaw Nation.

You held that these applicants, except Emma Davis, should be enrolled, and that the application as to her should be rejected, as it

appeared that she was married to the principal applicant in 1894, at which time he had another wife living from whom he had not been divorced.

Burk Davis is a full brother of Marshall A. Davis. His name is found on the 1896 roll. He was married to Sarah A. Davis in 1902, in Arkansas, in accordance with the laws of that state. The minor applicants, Lillie M. Davis, Vinna J. Davis, Mary J. Davis, John R. Davis, and Sherm M. Davis, are the children of this union. All of these applicants were living in the Indian Territory at the time of the hearing. The principal applicant, Burk Davis, and his wife, had resided in the Indian Territory for a number of years prior to that time. You held that the applicants were entitled to enrollment, Sarah A. Davis as an intermarried citizen.

Joe Davis is a full brother of Marshall A. Davis, and has resided in the Indian Territory for ten or twelve years. You held that he was entitled to enrollment.

The Nation protests against your decisions. The attorneys for the Nations have made several requests for suspension of action by the Department in these cases until the Choctaw and Chickasaw Citizenship Court has acted upon cases involving "parallel questions." On February 6, 1904, you submitted their request for suspension of action to await the decision of said Court in the case of Mattie Lee Armstrong et al., in which they stated:

"The said court will decide the question of what compliance by the applicants or their ancestors, with the third or fourteenth articles of the treaty of 1830, was necessary in order to be entitled to enrollment and to participating in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved in the cases in which this communication refers."

September 8, 1904, they filed an argument in these cases, or

rather in the cases of Marshall A. Davis et al., and Burk Davis et al.

The Acting Commissioner of Indian Affairs, in letter of December 7, 1903, stated that the attorneys go somewhat at length into the family histories of the ancestors of these applicants and adverse to their testimony relative thereto, and points to the fact that neither the applicants nor their mother, through whom they claim citizenship, ever applied to the Choctaw Council for admission, and contends that their names being placed upon the rolls mentioned was not an admission to citizenship. Said brief, he states, sets up that "testimony has been discovered" which will show that the claim of these applicants that they are nephews of John Pebsworth, a recognized Choctaw Indian, is false, and this is followed by a somewhat complicated statement as to how such claim is to be proven to be false.

While these statements do not, in his opinion, set up a clear state of facts which it is proposed to prove, or which said attorneys allege can be proved, in order to defeat the claim to citizenship, he considers it is due the nation to have every reasonable opportunity to show that fraudulent claimants are upon its rolls of citizenship, and he sees no reason why the cases should not be returned to your Commission with instructions to investigate the claim of said attorneys, and if deemed advisable, that a new hearing be had. He recommends, however, that further hearing in these cases be suspended until the Choctaw and Chickasaw Citizenship Court determines such questions as may come before it relative to Choctaw and Chickasaw citizens.

One of the attorneys for the Indians was present at the hearings in these cases, and the Nation has had due opportunity to introduce any evidence it desired. As to the allegations in the argument of said attorneys must stand that

"Since the expiration of the time within which testimony could have been taken in this case we have been furnished with information which, if submitted in the form of testimony, will show that their claim that they are the nephews of John Pebsworth, a recognized Choctaw Indian, is false,"

it is altogether too vague to warrant the Department in ordering a rehearing. Besides, motions for rehearings based upon newly discovered evidence should be supported by the affidavit of the witnesses who will testify to the alleged newly discovered evidence.

These applicants are, apparently, closely related by blood to the applicants for identification as Mississippi Choctaw Indians in the case of Matilda Clover et al., in which case the Department, on April 5, 1904, affirmed your decision identifying the applicants as Mississippi Choctaw Indians.

The Department has not been advised of the action, if any, by the Citizenship Court in the Armstrong case, and in view of the uncertainty as to the points involved in that case, bearing, if at all, upon these cases, it does not appear advisable to longer suspend action upon such cases. No reason is found to disturb your decisions and they are therefore hereby affirmed.

A copy of the Acting Commissioner's letter of December 7, 1903, is inclosed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

LAND
51287-1903
51288 "
56935 "
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62239 "
62256 "
74438 "
62238 "

DEPARTMENT OF THE INTERIOR, (COPY).
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Dec. 7, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application for the enrollment of Marshall A. Davis, William E. Davis, Orie Davis and Marshall Joseph Davis, as citizens by blood of the Choctaw Nation, and for the enrollment of Emma Davis as a citizen by intermarriage of the Choctaw Nation.

On July 20, 1903, the Commission rendered a decision in this case, finding from the evidence that the principal applicant, Marshall A. Davis, is the son of Emily Davis (nee Folsworth or Foulsworth) a recognized citizen by blood of the Choctaw Nation, and Isaac Davis, a non-citizen white man; that his wife, Emma Davis, claims her right to enrollment by reason of her marriage to the said Marshall A. Davis, and that the minor applicants herein are the offspring of said union; that it appears from the tribal rolls of the Choctaw Nation in the possession of the Commission that the name of Marshall A. Davis, as A. S. Davis, is identified on the 1896 Choctaw Leased district pay roll, and also on the 1896 Choctaw census roll as Asa Davis; that the minor applicants were born subsequent to the prep-

eration of the last tribal roll of the Choctaw Nation, and have been properly identified as the children of said Marshall A. Davis. The Commission further finds that all the applicants were residents of the Indian Territory in good faith on June 28, 1898, and that the applicants Orie Davis and Marshall Joseph Davis, were born subsequent to that date; that it appears from the testimony of Emma Davis that she was married to said Marshall A. Davis in 1894, and that the said Marshall A. Davis had another wife living at that time from whom he had never been divorced. The Commission is therefore of the opinion that Marshall A. Davis, William Z. Davis, Orie Davis and Marshall Joseph Davis, should be enrolled as citizens by blood of the Choctaw Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495), and are further of the opinion that the application for the enrollment of Emma Davis, as a citizen by intermarriage, should be denied under the provisions of said Section 21.

There is a protest of the Nation filed with this record, and on September 2, 1903, Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, transmitted a brief to the Department in support of the protests which they say were heretofore filed to the decisions of the Commission to the Five Civilized Tribes, dated July 20 1903, granting the applications of Marshall A. Davis, et al., and Burk Davis, et al., for enrollment as citizens of the Choctaw Nation, a copy of which brief they state has been served on the principal applicant, Marshall A. Davis.

In this brief the attorneys go somewhat at length into the family

history of the alleged ancestors of these applicants and advert to their testimony relative thereto. They further point to the fact that neither the applicants nor their mother ever applied to the Choctaw Council for admission, and contend that their names being placed upon the leased district pay-roll of 1893 was not in fact an admission to citizenship. The further contention is set out in said brief that the Commission had no citizenship jurisdiction or power to admit to citizenship when it prepared the 1896 census roll.

After a somewhat extended discussion of whether or not the applicants have proven that they are Choctaw Indians by blood, and such Choctaw Indians as under the treaties and laws are entitled to enrollment and participation in the distribution of tribal property, said brief sets out that testimony has been discovered which will show that the claim of these applicants that they are nephews of John Polsworth, a recognized Choctaw Indian, is false, and this is followed by a somewhat complicated statement as to how such claim is to be proven to be false. This statement, however, is largely argumentative, and does not set out a clear set of facts which it is proposed to prove or which they allege can be proven in order to defeat said claim. It is due the Nation, however, to have every reasonable opportunity to show that fraudulent claimants are upon its rolls of citizenship, and under all the facts submitted I see no reason why this case should not be again transmitted to the Commission with instructions to investigate the claim of said attorneys, and if deemed advisable by them, that a new hearing be had.

There is also transmitted herewith a communication from the said attorneys of the Choctaw and Chickasaw Nations, dated September 8, 1913,

in which they say that on July 30, 1903, the Commission to the Five Civilized Tribes rendered its opinion in the Choctaw enrollment case of Marshall A Davis, et al., and Burk Davis, et al. They then call attention to the protest they filed to the decision of the Commission in these cases, also to the brief they submitted on September 2, 1903, in support of their said protest, and that it now appears from their records that on July 31, 1903, the Commission rendered a decision in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Joe Davis, in which the applicant was enrolled; that the said Joe Davis is a full brother to Marshall A. Davis and Burk Davis and occupies the same status in every particular as his two brothers. Said attorneys then say that it was their intention at all times in the past to protest to the enrollment of this applicant Joe Davis, as well as to that of his brothers, but at the time they received the decision of the Commission enrolling Joe Davis, they failed to recognize him as a member of the Davis family, and that the purpose of their communication now is to ask that the Department consider the three cases together, and that their brief filed in the cases of Marshall A. Davis et al., and Burk Davis et al., be considered in the case of Joe Davis.

There is also transmitted herewith a communication from said attorneys dated September 17, 1903, relative to the application of Marshall A. Davis et al., for enrollment as citizens by blood of the Choctaw Nation, in which they state that they have this date forwarded to the Commission to the Five Civilized Tribes for transmission a general communication requesting on behalf of the Choctaw and Chickasaw Nations that no further action be taken by the Commission to the Five Civilized Tribes or the Honorable Secretary of the Interior in contested Choctaw and

Chickasaw citizenship cases until the Choctaw and Chickasaw Citizenship Court passes upon and finally adjudicates cases pending before it involving parallel and identical questions.

As to these last two communications, I recommend that inasmuch as these three principal applicants are brothers the cases be consolidated, if the Commission thinks this advisable, and I also recommend that the further hearing of these cases be suspended until the Choctaw and Chickasaw Citizenship Court determines such questions as may come before it relative to the enrollment of Choctaw and Chickasaw citizens.

The record and the papers accompanying the same in the cases of Burk and Joe Davis are also transmitted herewith.

Very respectfully,

W. A. Jones,

Commissioner.

W.C.B.-L.C.

W-3694.

Muskogee, Indian Territory, July 28, 1904.

Joe Davis,

Page, Indian Territory.

Dear Sir:

You are hereby advised that on July 14, 1904, the Secretary of the Interior affirmed the decision of the Commission granting your application for enrollment as a citizen by blood of the Choctaw Nation.

Your name will, therefore, be placed upon schedules of the citizens by blood of the Choctaw Nation and forwarded to the Secretary of the Interior at the earliest practicable date.

Respectfully,

Commissioner in Charge.

Choctaw 5894.
" 5779,
" 5780.

Muskogee, Indian Territory, July 28, 1904.

Messrs. Mansfield, McMurray & Cornish,

South McAlester, Indian Territory.

Gentlemen:

You are hereby informed that on July 14, 1904, the Secretary of the Interior affirmed the decision of the Commission granting the applications for the enrollment of Marshall A. Davis et al., Burk Davis et al., and Joe Davis as citizens of the Choctaw Nation.

For your information, there is enclosed herewith copy of Departmental letter affirming the action of the Commission in this case, (I.T.D. 8291-1903, etc.)

Respectfully,

Commissioner in Charge.

EA 4-28.

Muscogee, Indian Territory,

August 18th, 1900.

Joe Davis,

Page, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

D-193.

Muskogee, Indian Territory, September 17, 1900

Joe Davis,

Thomasville, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of recent date in which you desire to be informed as to what evidence will be admissible in the matter of the protest filed by the Choctaw Nation as to your enrollment as a citizen thereof.

You are informed that the Commission cannot at this time go into the merits of these cases in which protest has been filed by the Choctaw Nation but will at its session in Atoka, next December, hear any oral testimony that may be offered by either the applicant whose rights have been protested or by the Choctaw Nation. This testimony must be given before the Commission in person by the witnesses and affidavits or depositions will not be received for the consideration of the Commission in the disposition of these cases.

After that session and up to and inclusive of March 1st, 1901, the Commission will accept and consider any written arguments and briefs submitted on behalf of the applicant. The Commission has required of the attorneys for the Choctaw Nation that they prior to October 31st, 1900, serve notice on each of these applicants to whose enrollment objection has been made, stating therein the grounds upon which such protest has been filed. You will no doubt be served with such notice and can then fully determine as to what additional evidence will be required of you.

Yours truly,

Acting Chairman.

2-B-193

Choctaw D 191.
D 192; D 193.

Muskogee, Indian Territory, March 12, 1903.

Zach Davis,

Fago, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 2, asking if Burk Davis, Ada Davis and Jew Davis have been enrolled on the final roll as citizens of the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that Joe Davis, Burk Davis and his family and Marshall A. Davis andhis family have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to such enrollment has not yet been determined. As soon as decisions are reached in these cases the applicants will be duly notifiedof the action of the Commission.

Respectfully,

Chairman.

7-5694

Muskogee, Indian Territory, November 2, 1904.

Joe Davis,

Page, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 22, 1904, addressed to the Secretary of the Interior which has been by him referred to this Commission for consideration and appropriate action. Therein you request that your enrollment be approved by the Secretary of the Interior.

In reply to your letter you are informed that you have been enrolled by the Commission to the Five Civilized Tribes, as a citizen by blood of the Choctaw Nation, and on September 22, 1904, your enrollment was approved by the Secretary of the Interior.

Respectfully,

Choctaw 5695

Transferred from Choc card #D125

See decision of July 30, 1903 filed with Choc 5690

Protest of Choc nation Nov 1903

Record forwarded Dept 11-11-03

Feb 10, 1905 Decission of Commission of July 30, 1903 enrolling applicants approved by Dept

5695

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, I. T., November 27th, 1902.

Choctaw D-125
Intermarried

---------ooo---------

In the matter of the application of J. W. Robinson for enrollment as an intermarried citizen of the Choctaw Nation.

J. W. Robinson being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A J. W. Robinson.
Q How old are you? A Thirty.
Q What is your post office address? A Goodwater.
Q How long have you been a resident of the Choctaw Nation?
A Five years.
Q Lived here continuously for the past five years? A Yes sir. For the last six I have lived here, but them I have only been a citizen by marriage five years.
Q I asked you how long have you been a resident - - resided here?
A Six years.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw wife through whom you claim?
A Rose Hila Davis.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to her? A In '97, I think it was '97.
Q How many years ago? A Five years.
Q Where was this marriage ceremony performed? A Down near the line, the Arkansas line.
Q In the Choctaw Nation? A Yes sir.
Q At thatbtime were both you and your wife residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law?
A Yes sir.
Q From whom did you get your license? A Sidney Herndon, county clerk.
Q How much did you pay for that license? A Paid $100.
Q Who performed the marriage ceremony? A Judge Harris, Henry Harris.
Q Were you ever married before your marriage to Rose Davis?
A No sir.
Q Was she ever married before her marriage to you? A Yes sir.
Q How many times? A Once I reckon.
Q What was the name of her former husband? A Willis.
Q Was he dead at the time of your marriage to her? A No sir, they had seperated.

Q When did they separate? A I couldn't tell you that.
Q How long before your marriage to her? A Why, it must have been a little over a year or about a year, something like that.
Q Were they divorced? A Yes sir.
Q Where was this decree of divorce granted? A I couldn't answer that.
Q Since your marriage to Rose Davis in 1897 have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

- - - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 27th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 15 day of January, 1903.

Charles Hetherington

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, I. T., November 27th, 1902.

Choctaw D-125
Intermarried

---ooo---

In the matter of the application of J. W. Robinson for enrollment as an intermarried citizen of the Choctaw Nation.

J. W. Robinson being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A J. W. Robinson.
Q How old are you? A Thirty.
Q What is your post office address? A Goodwater.
Q How long have you been a resident of the Choctaw Nation?
A Five years.
Q Lived here continuously for the past five years? A Yes sir. For the last six I have lived here, but then I have only been a citizen by marriage five years.
Q I asked you how long have you been a resident - - resided here?
A Six years.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw wife through whom you claim?
A Rose Ella Davis.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to her? A In '97, I think it was '97.
Q How many years ago? A Five years.
Q Where was this marriage ceremony performed? A Down near the line, the Arkansas line.
Q In the Choctaw Nation? A Yes sir.
Q At that time were both you and your wife residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law?
A Yes sir.
Q From whom did you get your license? A Sidney Herndon, county clerk.
Q How much did you pay for that license? A Paid $100.
Q Who performed the marriage ceremony? A Judge Harris, Henry Harris.
Q Were you ever married before your marriage to Rose Davis?
A No sir.
Q Was she ever married before her marriage to you? A Yes sir.
Q How many times? A Once I reckon.
Q What was the name of her former husband? A Willis.
Q Was he dead at the time of your marriage to her? A No sir, they had separated.

J. W. Robinson----7

Q When did they separate? A I couldn't tell you that.
Q How long before your marriage to her? A Why, it must have been a little over a year or about a year, something like that.
Q Were they divorced? A Yes sir.
Q Where was this decree of divorce granted? A I couldn't answer that.
Q Since your marriage to Rose Davis in 1897 have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

- - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 27th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G McMillan

Subscribed and sworn to before me this 15 day of January, 1903.

Charles K Hamner

Notary Public.

Wax

JRB

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Zachary T. Davis, et al., as citizens of the Choctaw Nation, consolidating the applications of:

Zachary T. Davis, et al.,	7 D-124
Mary E. Davis,	7-D-611
J. W. Robinson, et al.,	7-D-125
Laura Davis,	7-D-608
Hugh A. Bishop,	7-D-688
Moseph J. Roberts,	7-D-583

))))))))))))))

D E C I S I O N

It appears from the census card and other records in this case that Zachary T. Davis appeared before the Commission at Alikchi, Indian Territory, on April 24, 1899, and made personal application for the enrollment of himself and his five minor children, Sherwood, Davis, Eunice Davis, Carrie Davis, Buford Davis and Anis Davis, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Fanny Davis, as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the Matter of this application at Muskogee, Indian Territory, on January 28, 1901, at which time evidence was furnished the Commission of the death, on June 11, 1899, of Fanny Davis, and of the subsequent marriage, on November 28, 1900, of Zachary T. Davis, to Mary Elizabeth Dawson a non-citizen. The said Mary Elizabeth Davis (nee Dawson), appeared before the Commission at this hearing and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation. On June 1, 1902, there was born as the issue of the marriage of Zachary T. Davis and Mary Elizabeth Davis (nee Dawson) Seemenight Davis, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on September 24, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Mary Elizabeth Davis at Wister, Indian Territory, December 19, 1902.

It further appears from the census card and other records in this case that J. W. Robinson appeared before the Commission at Alikchi, Indian Territory, on April 24, 1899k and made personal applination for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Rose Ella Robinson, (formerly Willis), and her two minor children by her former marriage, Doda C. Willis and Ethel M. Willis, as citizens by blood of the Choctaw Nation. Subsequently there was born to J. W. Robinson and Rose Ella Robinson two infant children, as follows: on November 10, 1899, Matie Lillian Robinson, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to

the Commission on May 7, 1900, proper proof of said birth being furnished on said date; and on November 28, 1901, Maudie E. Robinson, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on January 13, 1902, proper proof of said birth being furnished on said date. Further proceedings were had in the matter of the application for the enrollment of J. W. Robinson at Garvin, Indian Territory, on November 27, 1902.

The evidence in this case further shows that the applicant Sherwood Davis was married to Laura Willis, a non-citizen, on November 28, 1900; that the said Laura Davis (nee Willis) appeared before the Commission at Muskogee, Indian Territory, on January 16, 1901, and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation; that on December 5, 1901, there was born as the issue of said marriage, Theodore Winston Davis, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on January 13, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Laura Davis at Wister, Indian Territory, December 17, 1902.

It further appears that the applicant, Eunice Davis, was married to Hugh A. Bishop, a non-citizen, on November 5, 1901; that the said Hugh A. Bishop appeared before the Commission at Muskogee, Indian Territory, on November 19, 1901, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation; and that on August 25, 1902, there was born as the issue of said marriage, Fannie Lundie Bishop, for whose enrollment as a citizen by blood of the Choctaw Nation written application was made to the Commission on September 17, 1902, proper proof of birth being furnished the Commission on said date. Further proceedings were had in the matter of the application of Hugh A. Bishop at Garvin, Indian Territory, November 26, 1902.

It also appears that the applicant Carrie Davis was married to Joseph J. Roberts, a non-citizen, on September 25, 1900, and that the said Joseph J. Roberts, appeared before the Commission at Muskogee, Indian Territory, on September 28, 1900, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of the application of Joseph J. Roberts at Garvin, Indian Territory, November 26, 1902.

It further appears from the record in this case that applicants, Zachary T. Davis (as Z. T. Davis), Fanny Davis, Rose Ella Robinson (as Rose Ella Willis), Sherwood Davis, Eunice Bishop (as Anis Davis), Carrie Roberts (as Carrie Davis), and Buford Davis were admitted to Choctaw Citizenship by an act of the Choctaw General Council, approved October 24, 1888, entitled "An Act Establishing the Citizenship of Z. T. Davis and Family", a certified copy of said act being attached to and made a part of the record in this case. The minor applicants, Anis Davis, Doda C. Willis, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, were born subsequent to the approval of said act, and their names are not found therein. Applicants, Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts also acquired their

rights as citizens by intermarriage of the Choctaw Nation subsequent to the passage of said act.

On an examination of the tribal rolls in the possession of the Commission the names of Zachary T. Davis, Eunice Bishop (as Eunis Davis), Carrie Roberts (as Carnie Davis), Sherwood Davis, Buford Davis (as Bufort Davis), and Anis Davis (as Anna Davis), are identified on the 1893 Choctaw Leased District pay roll, Red River County, page 19, Nos. 161, 162, 163, 164, 165 and 166, respectively, and the names of Rose Ella Robinson (as Rosella Willis) and Doda C. Willis are identified on said 1893 Choctaw Leased District pay roll, Eagle County, Nos. 703 and 705, respectively. The names of Rose Ella Robinson (as Rosa Ella Willis), Doda C. Willis, Sherwood Davis, Eunice Bishop (as Eunice Davis), Carrie Roberts (as Carne Davis), Buford Davis and Anis Davis (as Zack Davis), are also identified on the 1896 Choctaw census roll, Nos. 13562, 13563, 3442, 3438, 3439, 3440, and 3441, respectively, as citizens by blood of the Choctaw Nation. The minor applicants, Ethel V. Willis, Matie Lillian Robinson, Maudie E. Robinson, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis, having been born subsequent to the preparation of the last tribal rolls of the Choctaw Nation, are identified by affidavits of their births duly filed with the Commission and made a part of the record in this case.

It further appears that all the applicants herein, except such as claim by intermarriage, and those who were born subsequent to June 28, 1898, were residents in good faith of Indian Territory on said date, all applicants who were listed on census cards in 1899 being first examined as to such fact, although their testimony was not reduced to writing. The minor applicants herein who were born since June 28, 1898, were born in Indian Territory, and their residence is considered that of their parents.

It further appears from the evidence in this case that applicant Mary Elizabeth Davis (nee Dawson), who claims rights to enrollment as a citizen by intermarriage of the Choctaw Nation, was lawfully married to said Zachary T. Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, on November 28, 1900, and that she has lived with her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is further shown from the evidence in this case that applicant J. W. Robinson, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Rose Ella Willis (nee Davis), a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on October 14, 1898; said Rose Ella Willis having been divorced from her former husband, F. M. Willis, on December 15, 1897, proper evidence of said divorce being filed with the Commission on December 29, 1902, and made a part of the record in this case. The record herein further shows that the said J. W. Robinson has lived with his Choctaw wife in the Choctaw Nation continuously since the date of his marriage up to and including September 25, 1902.

The record in this case further shows that applicant Laura Davis (nee Willis), claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was lawfully married to said Sherwood Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, on November 28, 1900, and that she has lived with her said Choctaw husband in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It also appears from the evidence in this case that applicant Hugh A. Bishop, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Eunice Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs and usages of said nation, on November 5, 1901, and that he has lived with his said Choctaw wife in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is further shown from the evidence in this case that applicant Joseph J. Roberts, claiming right to enrollment as a citizen by intermarriage of the Choctaw Nation, was married to Carrie Davis, a recognized and enrolled citizen by blood of the Choctaw Nation, in accordance with the laws, customs, and usages of said nation, on September 25, 1900, and that he has lived with his said Choctaw wife in the Choctaw Nation continuously since said time, up to and including September 25, 1902.

It is therefore, the opinion of this Commission that Zachary T. Davis, Rose Ella Robinson, Doda C. Willis, Ethel V. Willis, Katie Lillian Robinson, Maudie E. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Anis Davis, Theodore Winston Davis, Fannie Lundie Bishop and Seemenigh Davis should be enrolled as citizens by blood, and Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop, and Joseph J. Roberts should be enrolled as citizens by intermarriage, of the Choctaw Nation, in accordance with the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Fanny Davis, who died prior to September 25, 1902, should be dismissed under the provisions of section 28 of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,
Chairman.

T. B. Needles,
Commissioner.

C. R. Breckenridge,
Commissioner

W. M Stanley,
Commissioner.

Muskogee, Indian Territory,
Jul 30, 1903.

Choctaw-D-126

COPY.

Muskogee, Indian Territory, July 30, 1903.

J. W. Robinson,

Goodwater, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, granting the application for the enrollment of J. W. Robinson, as a citizen by intermarriage, and of Rose Ella Robinson, Dora C. Willis, Ethel V. Willis, Katie Lillian Robinson and Maudie E. Robinson, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

Registered.

Enc. IES. 9/30

Choctaw 5496

COPY.

Muskogee, Indian Territory, February 20, 1905.

J. W. Robinson,

Goodwater, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of February 10, 1905, affirmed the decision of this Commission dated July 30, 1903, granting the application for the enrollment of yourself, as a citizen by intermarriage, of your wife, Rose Ella Robinson, your children, Mattie Lillian Robinson and Maudue E. Robinson, and step children, Dode C. Willis and Ethel V. Willis, as citizens by blood, of the Choctaw Nation, included in the consolidated case of Zachary T. Davis et al.

Your names will now be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[redacted]

Tams Bixby

Chairman.

IN RE

Application for Enrollment of

INFANT CHILD

Maudie E. Roberson

as a citizen of the

Choctaw *Nation.*

Approved Jan. 13, *190* 2

T. B. Needles.

Commissioner.

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes.
F I L E D
Jan. 13, 1902.

Tams Bixby,

Acting Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Maudie E. Roberson (Here insert name of child.), born on the 28, day of November, 190 1
Name of Father: J. W. Roberson, a citizen of the Choctaw Nation.
Name of Mother: Rosa Ella Roberson, a citizen of the Choctaw Nation.
Post-Office: Goodwater, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Rosa Ella Roberson, on oath state that I am 30 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of J. W. Roberson, who is a citizen, by Intermarriage, of the Choctaw Nation, that a female (Male or female.) child was born to me on the 28th, day of November 1901; that said child has been named Maudie E. Roberson, and is now living.

her
Rosa Ella Roberson
mark

WITNESSES TO MARK:
(Must be Two Witnesses.)
R. E. Roberts
W. J. Whiteman

Subscribed and sworn to before me this 4th, *day of* Jan. *190* 2.

W. J. Whiteman,
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Mary Clover, a Midwife, on oath state that I attended on Mrs. Rosa Ella Roberson, wife of J. W. Roberson, on the 28, day of November, 190 1; that there was born to her on said date a female (Male or female.) child; that said child is now living and is said to have been named Maudie E. Roberson.

Mary Clover.

WITNESSES TO MARK:
(Must be Two Witnesses.)

Subscribed and sworn to before me this 8, *day of* January *190* 2.

W. J. Whiteman,
Notary Public.

DEPARTMENT OF THE [redacted]

In [redacted] ENROLLMENT, as a citizen of the Choctaw Nation,

of Ethel V. Willis (Here insert name of child.), born on the 19, day of December, 1897 ~~xxx~~ adopted

Name of Father: France Willis, a citizen of the Choctaw Nation.

Name of Mother: Rose E. Robinson, a citizen of the Choctaw Nation.

Post-Office Cerrogordo, Ark.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Rose E. Robinson, on oath state that I am 29 years of age and a citizen, by blood, of the Choctaw Nation; that I ~~was~~ the lawful wife of France Willis, who is a citizen, by adoption, of the Choctaw Nation, that a (Male or female) child was born to me on the 19, day of December, 1897. 190 ; that said child has been named Ethel V. Willis, and is now living.

Rose ~~X~~ E. Robinson

Mark

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24th, day of April, A.D. 1899. 190

T. B. Needles,

~~Commissioner.~~

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, _____ District.

I, _____, a _____, on oath state that I attended on Mrs. _____, wife of _____, on the _____ day of _____, 190__ ; that there was born to her on said date a _____ (Male or female.) child; that said child is now living and is said to have been named _____.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____ 190__

Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Madie Lillian Robinson
as a citizen of the

Choctaw *Nation.*

Approved May 24, *1900*

A. S. McKennon
Commissioner.

F I L E D

May 7, 1900.

Commission to Five Tribes.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation, of Madie Lillian (Here insert name of child.), born on the 10 day of November, 1899, 190__

Name of Father: Wesley Robinson, a citizen of the Choctaw Nation.

Name of Mother: Rosella Robinson, a citizen of the Choctaw Nation.

Post-Office: Goodwater, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Rosella Robinson, on oath state that I am 28 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of Wesley Robin son, who is a citizen, by intermariage, of the Choctaw Nation, that a female (Male or female.) child was born to me on the 10, day of Nov. 1899. ~~1900~~ : that said child has been named Matie Lillian, and is now living.

Not Rosella Robinson.
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) W. M. Picketts

G. R. Murrin

Subscribed and sworn to before me this 3rd, *day of* May *190*0.

H. M. Goddard

3-3-1900 *Notary Public.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Mary T. Clover, a midwife, on oath state that I attended on Mrs. Rosella Robinson, wife of Wesley Robinson, on the 10, day of Nov. 1899., 190__ ; that there was born to her on said date a female (Male or female.) child; that said child is now living and is said to have been named Matie Lillian.

Mary T. Clover.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 3d *day of* May *190*0.

H. M. Goddard.

Notary Public.

In replying to this letter
please refer to Choctaw 2 122.

Muskogee, Indian Territory, March 24, 1900.

Mr. H. M. Goddard,

Notary Public,

Goodland, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 7th, inclosing the affidavits of Rosella Robinson, and Mary Glover as to the birth of Katey Lillian Robinson as an applicant for citizenship in the Choctaw Nation, and the same is returned to you for the reason that it cannot be accepted in this form by this Commission. There is inclosed you herewith a blank birth certificate which have filled out in proper form, and in the event of either of the signatures of the mother or the attending physician or nurse being made by mark, it must be attested by two disinterested parties as witnesses, and the Notary Public taking the affidavits must affix his seal to each of the affidavits.

Yours truly,

Acting Chairman.

Inclosure 2 ~~2~~ 1.
B.C.

In replying to this letter
please refer to Choctaw 2 122.

Muskogee, Indian Territory, October 26, 1900.

J. W. Robinson,

Goodwater, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 20th instant in which you state that some time ago you made out an application for the enrollment of your infant child, Madie Lillian Robinson and that the affidavits were taken before Dr. H. M. Goddard, a Notary Public who was to have sent the application to the Commission. That since that time Dr. Goddard has been killed and you have had no further information regarding the disposition of such application.

You are informed that the Commission on May 8th, 1900, wrote Dr. Goddard as follows:

"The Commission is in receipt of your letter of recent date enclosing ~~the~~ application for enrollment as a citizen of the Choctaw Nation of Madie Lillian Robinson, the infant daughter of Wesley and Rosella Robinson and the same has been duly filed with the records of the Commission."

The application above referred to is for the enrollment of your daughter who was born November 10th, 1899 and she appears upon the records of this Commission as regularly listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation.

Yours truly,

Acting Chairman.

Enc.128

Muskogee, Indian Territory, May 8, 1900.

Mr. E. M. Goddard,

Seedwater, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of recent date, inclosing an application for enrollment as a citizen of the Chester Nation of Nadie Lillian Robinson, the infant daughter of Wesley and Rosella Robinson, and the same has been duly filed with the records of the Commission.

In accordance with the request contained in your letter, there are inclosed you herewith two blank applications for the enrollment of infant children.

Yours truly,

Acting Chairman.

In replying to this letter,
please refer to
R.C.

V-B-125.

Muskogee, Indian Territory, December 30, 1902.

J. W. Robinson,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the certified copy of the bill of divorce of December 15, 1897, between P. M. Willis and Rosa Ella Willis, and the same has been filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 13, 1906.

J. F. Robertson,

Bowdenter, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Mandie R. Robertson, the infant daughter of J. F. and Rosa Ella Robertson, born November 26, 1901 , and the same being in proper form has been accepted by the Commission and filed as evidence of the birth of this child.

Yours truly,

Commissioner in Charge.

W. D-125

7-5695

Muskogee, Indian Territory, January 29, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishemingo, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has this day been made upon original Choctaw enrollment card, number 5695:

"Francis M. Willis, former husband of No. 2 and the father of Nos. 3 and 4, on Choctaw card, number 1284."

You are therefore requested to make like notation upon the duplicate card in your possession.

Respectfully,

Commissioner in Charge.

7-5695

Muskogee, Indian Territory, January 29, 1904.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has this day been made upon original Choctaw enrollment card, number 5695:

"Francis M. Willis, former husband of No. 2 and the father of Nos. 3 and 4, on Choctaw card, number 1284."

You are therefore requested to make like notation upon the duplicate card in your possession.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On July 30, 1903, the Commission rendered a decision, enrolling Zachary T. Davis, Rose Ella Robinson, Beda C. Willis, Ethel V. Willis, Katie Lillian Robinson, Maudie M. Robinson, Sherwood Davis, Eunice Bishop, Carrie Roberts, Buford Davis, Amie Davis, Theodore Winston Davis, Fannie Lundie Bishop and Reecenaigh Davis as citizens by blood, and Mary Elizabeth Davis, J. W. Robinson, Laura Davis, Hugh A. Bishop and Joseph J. Roberts as citizens by intermarriage of the Choctaw Nation. On the same day Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, were furnished a copy of such decision and were advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the action of the Commission in enrolling the applicants enumerated in such decision as citizens of the Choctaw Nation. No protest was filed by the attorneys for the Choctaw and Chickasaw Nations within the fifteen days specified in our letter of July 30, 1903.

On July 8, 1903, the attorneys for the Choctaw and Chickasaw Nations requested that no further action be taken with reference

to the enrollment of or the allotment of lands to persons relying upon acts of the Choctaw National Council and that action be postponed until the final determination by the Choctaw and Chickasaw Citizenship Court of the cases of persons, involving the status of persons relying upon identical ancestry and family relationship.

On September 17, 1903, the attorneys for the Choctaw and Chickasaw Nations transmitted to the Secretary of the Interior, through the Commission, a communication, requesting on behalf of the Choctaw and Chickasaw Nations

> "that the directions to the Commission to the Five Civilized Tribes in the case of Watt Davis, et al, Choctaw R. 354, be extended to all Choctaw and Chickasaw contested citizenship cases pending before it, for the reason stated; that all cases, falling within the classes to which this communication refers, heretofore passed upon by the Commission to the Five Civilized Tribes and now pending before the Honorable Secretary of the Interior, for affirmance or dis-approval of its decisions, be remanded without action; that final decision in those cases not yet passed upon by the Commission to the Five Civilized Tribes, be postponed; and that if, upon examination it should develop that any persons falling within the classes to which this communication refers, have been placed upon the final schedules and approved by the Honorable Secretary of the Interior, no further action be taken, by way of allotment to them or the issuance of allotment certificates."

Under date of November 9, 1903, the attorneys for the Choctaw and Chickasaw Nations requested

> "that the Commission note upon its records that all persons applicant before it, under the acts of Congress, approved June 28, 1898, May 31, 1900 and July 1, 1902, in pursuance of the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting Z. T. Davis and family, consisting of his wife, Fannie Davis, and his daughter, Rosa Lila, and her husband, F. M. Willis, and children, Sherwood, Annie, Carrie and Buford Davis, are included in the class of

contested cases referred to in our general application; that such cases be not disposed of until final decision of the Choctaw and Chickasaw Citizenship Court in cases pending before it, involving parallel questions of law and fact."

The persons whose names are included in the decision of the Commission of July 30, 1903, in the case of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, rely for their citizenship upon the act of the General Council of the Choctaw Nation, approved October 24, 1888, admitting E. T. Davis and others to citizenship in the Choctaw Nation.

The Commission, on November 11, 1903, in view of the fact that the records in the matter of the application of Mark Davis, et al., and Marshall A. Davis, et al., were then pending before the Department upon the protest of the attorneys for the Choctaw and Chickasaw Nations and of their specific protest, as contained in their letter of November 9, 1903, forwarded to the Department the record in the matter of the application of Zachary T. Davis, et al., for enrollment as citizens of the Choctaw Nation, together with our decision of July 30, 1903.

The Commission is now in receipt of requests by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in the case of Zachary T. Davis, et al., be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., va-

Secretary 4

Choctaw and Chickasaw Nations, No. 52 on the Tishomingo Docket.

Said requests are transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
5 inclosures (W. F. 8690)

7-8698.

Muskogee, Indian Territory, February 6, 1904.

J. W. Robinson,

Goodwater, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself as a citizen by intermarriage of the Choctaw Nation and for the enrollment of your wife, Rose Ella Robinson, and your stepchildren, Doda C. Willis and Ethel V. Willis, and your children, Matie Lillian Robinson and Maudie E. Robinson, as citizens by blood of the Choctaw Nation, you are advised that the attorneys for the Choctaw and Chickasaw Nations have this day forwarded through the Commission to the Honorable Secretary of the Interior a request that final decision in the matter of the above named applications be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket.

Respectfully,

Commissioner in Charge.

7-3695

Muskogee, Indian Territory, March 25, 1903.

W. W. Robinson,

Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 18, 1903, stating that your present post office address is Boswell, Indian Territory.

This change of address has been made a matter of record.

The matter of the land referred to in your letter has been made the subject of another communication.

Respectfully,

Chairman.


EMPTY

Choctaw 5697
Lee Pitchlynn

5697

See Choctaw #5698

Transferred from Choctaw R234

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Lee Pitchlynn as a Choctaw; Edward E. Pitchlynn being sworn and examined by Com'r McKennon states:

Q What is your name? A Edward E. Pitchlynn.

Q How old are you? A Thirty-nine.

Q Where is Lee Pitchlynn living? A In Washington, in the United States Treasury.

Q How long has he been living there? A About the same length of time that Sophia has.

Q When did he go there? A He was born in Washington.

Q That has been his home all his life hasn't it? A No, he claims this as his home.

Q He has been living there hasn't he? A Yes sir, he has been living there.

Q When was he in the Territory? A During the time that Sophia was here.

Q That is all the time that he has ever been in the Territory? A To the best of my knowledge that is.

Com'r McKennon: Enrollment is refused; he has not resided in the Indian Territory.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.
M D Green

Commission to the Five Civilized Tribes.

Caddo, Indian Territory.

In the enrollment of Sophia Pitchlynn as a Choctaw, Edward S. Pitchlynn being sworn and examined by Com'r McKennon, testified as follows:

Q What is your name? A Edward S. Pitchlynn.

Q How old are you? A Thirty-nine.

Q Where does Sophia Pitchlynn live? A In Washington D.C.

Q How long has she been living there? A All of her life with the exception of at times she was down in the Nation.

Q When was she ever in the Territory? A At the meeting of the council of 1896 and 7 I think.

Q She came down here to attend the council? A Not only to attend the council, but to see her friends and relatives.

Q How long did she remain here? A I guess they remained here six months I guess, or maybe more.

Q She went back to Washington? A Yes sir.

Q That is the only time she has been in the Territory?

A No, she was born here.

Q How old was she when she went away from here? A Three years of age.

Q She is still living there? A Yes sir.

Com'r McKennon: Enrollment is refused, as they have not resided in the Territory.

Department of the Interior,
Commission to the Five Civilized Tribes
I hereby certify that the foregoing is a true and correct transcription of my stenographic notes taken in the matter of the application for enrollment of Sophia Pitchlynn

Washington, D. C. May 1, 1900.

To The Honorables, the Commission
to the Five Civilized Tribes,
Muscogee,
Indian Territory.

Gentlemen:-

In consideration of the fact that your Honorable Commission are now engaged in making a final roll of Choctaw Citizens for submission to the Honorable Secretary of the Interior,-I, Sophia C. Pitchlynn the only daughter of the late Peter P. Pitchlynn, who was by birth a Choctaw Citizen, hereby desire to request a reconsideration of the decision and action of your Honorable Commission, which in August, 1899, as I have been unofficially informed refused enrollment to the children, Sophie C. and Lee Pitchlynn; and the grand children (sons of Thomas Pitchlynn deceased) Paul Peter, Ernest L. Garland Augustus, and Carlysle M. and their mother Grace M. Pitchlynn, widow of Thomas Pitchlynn. The said children and grandchildren and widow having been always previously recognized and enrolled by the Choctaw Nation as citizens of said Nation. The said Peter P. Pitchlynn was a native born citizen, serving the Choctaw Nation during such time and in such capacity as the following facts will show; and it seems to me that these facts when considered will show the injustice, even if they do not demonstrate the error of the action of the Honorable Commission in refusing enrollment on the assumption that the persons in whose behalf I write were non-residents of the Choctaw Nation.

My father Peter P. Pitchlynn served the Choctaw Nation in the capacity of [illegible] for many years, and as Delegate from the

year 1854 until the date of his death January 17th, 1881.

My father owned, occupied, and tilled the ground of a plantation at Eagletown in the Choctaw Nation, on which plantation I was born; and after his appointment as delegate by the Choctaw Council, his service to his Nation necessitated his coming to Washington and remaining for the purpose of performing his official duties; and this plantation, was not sold or abandoned, but left in the care of his son-in-law, Judge L. S. W. Folson. My father during these years neglected all of his personal interests and devoted his time and energies to the discharge of his duty as Representative of the Choctaw People, in order that the best interests of his people should be attained and secured. He was one of the Commissioners of the Choctaw Nation in the negotiations resulting in the treaty between the Choctaw Nation and the United States concluded on June 22nd, 1855. He remainedin Washington as such delegate until the late rebellion, suspended the active relations between the Choctaws and the United States. My father then returned to the Nation and was their Chief; and he remained such until peace was restored by the suppression of the rebellion. It was largely due to the wise Counsel of my father that the entire Choctaw Nation was restrained from participation in the late rebellion. After the making of the treaty of April 28th, 1866, when former relations were resumed between the Choctaws and the United States, my father returned to Washington, and resumed his former official position as delegate, which services were continued until his death. We should have left for the Territory at that time to take up our old homestead, (Mean-

this Work) at Englstown, but we were practically penniless; and could not for that reason even pay for the ground in which to place the remains of our beloved father when he died. His noble life had been sacrificed by the need of proper nutriment; and lack of protection from rain, snow and sleet through which he plodded, while demanding justice for that people whom he loved as a father loves his own children.—Senators and Members of Congress today are willing and can testify to the long continued services he rendered his people He continued until death terminated his efforts, fighting and struggling with poverty during all those years; for the Choctaw Nation, did not compensate their delegates as did the Cherokees and Creek Nations, whose compensation was from $2,000.00 to $5,000.00 per year. His compensation was but nominal, for his fee was contingent upon his successful prosecution of certain claims; and compensation for many of his services remain unpaid today. It is certain that through neglect of his plantation, caused by his absence, it yielded him almost nothing for the support of himself and family; while others engaged in the pursuit of their own interests while pretending to be representing the Choctaws, received upwards of $5,000, per year from their farms. Even when in the Nation, my fathers interests were sacrificed for his people, for, during the war, destitution reigned among the Choctaw people; and the cotton and corn which he furnished for the relief of the poor and suffering people of the Choctaw Nation amounted to about $50,000, as I have often heard my father state; and for this he was never paid; while other Choctaw citizens who had furnished corn and cotton for the same purpose, received pay for all

they furnished. As a result of all thesefacts my fathers family was left destitute. Friends secured government positions for the boys, Thomas and Lee, who were taken from school in order to give support to their aged mother, and to myself. I was at that time extremely ill, and have never regained health and have become an invalid requiring almost constant care from Physicians and a nurse.

When my eldest brother, Thomas, had obtained sufficient means which were at his command, he at once returned to the Choctaw Nation and bought a farm in Blue County, a few miles from Caddo in the Choctaw Nation. At that time Lee and myself would have followed him, but I was helpless from having been confined to my bed for two years. While my brother was on the farm he had purchased in the Choctaw Nation he was accidentally shot, and came to this city to be operated upon, and for such other surgical treatment as should become necessary to heal his wound. His wife and children were obliged to follow him here very soon afterwards. He never regained his health, and before he died, the farm he had purchased in the Choctaw Nation, was sold in order to pay his debts. After the death of my brother Thomas, in order to help maintain herself and her [illegible] boys, the widow of my deceased brother, Grace M. Piethlynn, from force of necessity, secured employment here, and sent the children to the Public Schools. In 1896, my brother Lee, my sister-in-law (the widow of Thomas) her children, and myself, went to the Choctaw Nation, (it being the first time in years that I had been physically able to take the trip),to endeavor to fulfill certain duties left for me to discharge by my father. I had been his amanuensis during the last years of his life; and my father left

with me all official papers and instructions, as to assistance to his co-delegates; and this duty I performed despite the fact of being an invalid until the settlement of the "Net Proceed Claim" in 1888. The object of our return to the Territory-The Choctaw Nation-was the protection of our rights and interests as Choctaw Citizens, and to place before the Choctaw Council at Tushkahomma, the claims of my deceased father against the Choctaw Nation. We were at that time all legally enrolled by the Choctaw Commission; but failure met my efforts at the Council so far as the settlement of our claims against the Nation were involved; for after three days of effort at the Council, I met with an accident almost resulting in my death; and after two months, was given up as a hopeless invalid at the Charity Hospital at Fort Smith, Ark. (where I had been sent from Tushkahomma) and at last was sent to Washington to die; living yet recovery hopeless. I have been constantly dependent since that time upon the attention of skilled Physicians and Hospital treatment, to prolong my life.

From this statement of facts, your Honorable Commission will have no difficulty in determining the fact to be that we have been away from the Choctaw Nation, first, by my fathers duties as Delegate of the Choctaw Nation in this city, where his official duties were performed; and lastly as creatures of circumstances and conditions which we had no power to change. We were still Choctaw Citizens by blood, and have never relinquished our rights as such, either intentially or otherwise.

My brother Lee is still employed in the United States Treasury Department, and is recorded in the Official Register as [illegible]

pointed from the Choctaw Nation; the widow and children of my deceased brother Thomas, are at Caddo in the Choctaw Nation; and Everett F. Pitchlynn is Assistant Postmaster at Caddo in said Nation.

In October, 1896, we were enrolled at Caddo by the Choctaw Citizenship Commission, and on the 4th day of February, 1897, I received an official statement certified to me by Hon. Solomon J. Homer, of Caddo, National Secretary of the Choctaw Nation, of the fact of the enrollment of the names of my fathers children and grandchildren, on the legal citizenship roll of the Choctaw Nation, by the Chief Commissioners Board. I am informed through the officials of the Choctaw Nation that no one of the Choctaws would find or could make an objection to our legal citizenship; but if their recommendation were required to maintain our rights of Choctaw Citizenship, it would be cheerfully accorded, as it is conceded to be meritoriously due, by the Choctaw People, who know, and recognize the value of the services rendered by my father to them.

I have an official communication from the Secretary of your Honorable Commission, Mr. A. L. Aylesworth, sent to me from Muscogee, and dated June 25, 1898, which is an answer to an inquiry I caused to be made relative to our enrollment as Choctaw Citizens. In that communication, it was stated that the following named persons were admitted to citizenship in the Choctaw Nation, under their application of 1896, towit: Edward H. Pitchlynn, Lee Pitchlynn, Grace M. Pitchlynn as an inter-married citizen, Sophie C. Pitchlynn, Paul P. Pitchlynn, Ernest L. Pitchlynn, Garland A. Pitchlynn, Carlisle; M. Pitchlynn and no appeal was taken within the time prescribed by law so far as our records show, and the parties are now eligible for enrollment."

I have relied upon that enrollment, as a final and conclusive determination under the law of the right, and of the fact, that the persons above named are Choctaw Citizens by blood, and by reason thereof are entitled to be enrolled as such, under the provisions of the Act of Congress approved June 28th, 1898. I am advised that the right of the children, and grandchildren of my deceased father, who are included in the list furnished me by your Honorable Commission, on the 25th day of June, 1898, as having been enrolled as Choctaw Citizens under the provisions of the Act of Congress Approved June 10th, 1896, is such an enrollment of the children and grandchildren of the late Peter P. Pitchlynn, as your Honorable Commission may recognize and adopt, in making the enrollment authorized by section 21, of the Act of June 28th, 1898. The names of the persons on said roll were not placed thereon "by fraud or without authority of law"; but they were each of them had "lawful right" to such enrollment, because they were each Choctaw Citizens, by birth and blood, and were the children and grandchildren of an acknowledged Choctaw Citizen. I am also advised that the right of the persons in whose behalf I make this statement to your Honorable Commission, to be enrolled as citizens of the Choctaw Nation, is not impaired by that provision of section 21 of said Act which provides that- "No person shall be enrolled who has not removed to and in good faith settled in the Nation in which he claims citizenship".

Your Honorable Commission is directed by the Statute, "to make correct rolls of the citizens by blood", of the Choctaw Nation; and the enrollment of those who are citizen by adoption, or by marriage. Those in whose behalf this statement is submitted to your

Honorable Commission, are such Choctaw Citizens "by blood", because their father and grandfather were both native born Choctaw Citizens, "by blood". The facts I have here stated in regard to the absence of my father and of either of the persons included in said list, from the Choctaw Nation, is fully explained; and the causes from which such absence resulted, do not justify the assumption that either of the persons included in said list have done any act from which it can be inferred that either of them has intended at any time, to do any act which terminate either their right to Choctaw Citizenship, or their residence in the Choctaw Nation.

It seems quite certain that those in whose behalf I submit this statement, are not required by that provision of the 21st section of the Act of June 28th, 1898, which I have quoted, "to remove to", and "in good faith settle in" the Choctaw Nation; because they were Choctaw Citizens by birth and blood; and their place of residence when determined by familiar and elementary legal principles has at all times continued to be in the Choctaw Nation.

The continued residence of my deceased father must be conceded to have been at all times in the Choctaw Nation; because he was not absent from that Nation except in an official capacity as the representative of his Nation in the discharge of official duty. The place of residence of the acknowledged head of a family, is in contemplation of law, as I am advised, the residence of the children until they have exercised their right of fixing their own domicile or place of residence, afterthey have become of full age and have acquired that right. My father had provided for himself and family, a place of residence in the Choctaw Nation; and it is not to

be presumed, from the facts I have here stated that any of the children of my deceased father, have acquired for themselves a permanent place of residence outside of the Choctaw Nation. There is therefore no reason why the children of my deceased father should "return to" and "settle" in the Choctaw Nation.

They are in contemplation of law as much residents of the Choctaw Nation, as when they were in that Nation, as members of their fathers household; because the facts to which I have called the attention of your Honorable Commission are not sufficient to establish the fact that either of the persons in whose behalf I make this appeal to your high sense of justice, have intended to abandon the Choctaw Nation, and fix their permanent domicile, or place of residence in the City of Washington. My brother Lee, even before he arrived at the age of twenty one, secured a place in the public service in this city. My brother Thomas Pitchlynn, was at the date of his death, both legally and in fact, an actual resident of the Choctaw Nation; and that actual residence has continued to be the residence of his widow and infant children since his death. Those children are yet infants, and with their mother who is still a widow, they now reside in the Choctaw Nation.

The facts I have here stated as the reasons for my own absence from the Choctaw Nation, do not justify the Commission in the conclusion that I have ever absented myself from the Choctaw Nation in such a sense, or intention as would require me "to remove to" and "settle" in the Choctaw nation, in order that I may be enrolled as a "Choctaw Citizen by blood", by your Honorable Commission.

Trusting this my appeal, to that high sense of justice which I am confident will inspire the official action of your Honorable Commission in this matter, and that it may receive careful consideration, and that as a result of such consideration ample and complete justice may be rendered to the persons in whose behalf I write, I am,

Yours very respectfully,

Sophie C. Pitchlynn.

I, Sophie C. Pitchlynn, do solemnly swear that the facts stated in the foregoing communication addressed by me to the Commission for the Five Civilized Tribes of Indians, are true so far as such facts are stated of and upon my own knowledge; and that as to the facts therein stated upon information and belief, I believe the same to be true.

Sophie C. Pitchlynn

Subscribed and sworn to before me this 7th day of May, 1900.

Goodwin Y. Lee

Notary Public.

R 233

Department of the Interior
RECEIVED
MAY 10 1900
No 1557
Indian Territory Division.

Washington, D.C.
May 1, 1900.

Pitchlynn, Sophia C.
Copy of letter to Dawes Commission, relative to refusal to enrollment of herself and family as Choctaw citizens.

Pchl

FILED
MAY 18 1900
COMMISSION TO FIVE TRIBES.

MAY

State of Arkansas
Sebastian County

J. C. Amis being duly sworn, says that he is a regular practicing physician and that Miss Sophie C. Pitchlynn, was referred to him by Dr. E. N. Wright of Tuskahoma Indian Territory, for treatment in the year 1896. That Miss Pitchlynn came under his care September, 10, 1896, at which time she was extremely ill, suffering from an attack of general peritonitis; that she remained at the hospital and under my care until October, 29, 1896, at which time she was removed to Washington, D. C. accompanied by a doctor and a nurse. Miss Pitchlynn, above referred to, was in an extremely critical condition most of the time that she was under his care and was far from being well when she was taken from under his care.

J. C. Amis

Subscribed and sworn to before me this 25th day of June A. D. 1903.
(Seal)

O. C. Cunkle
Notary Public.

My Commission expires Jan., 18, 1904.

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Lee Pitchlynn as a Choctaw; Edward E. Pitchlynn being sworn and examined by Com'r McKennon states:

Q What is your name? A Edward E. Pitchlynn.

Q How old are you? A Thirty-seven.

Q Where is Lee Pitchlynn living? A In Washington, in the United States Treasury.

Q How long has he been living there? A About the same length of time that Sophia has.

Q When did he go there? A He was born in Washington.

Q That has been his home all his life hasn't it? A Yes, he claims this is his home.

Q He has been living there ever since he? A Yes sir, he has been living there.

Q When was he in the Territory? A During the time that Sophia was here.

Q That is all the time that he has ever been in the Territory? A To the best of my knowledge that is.

Com'r McKennon: Enrollment is refused, as has not resided in the Indian Territory.

Department of the Interior,
Commission to the Five Civilized Tribes,
I hereby certify, that the foregoing is a full and correct transcription of my stenographic notes.

(0-6-6)

7-R-235
7-R-234

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---------:---------

In the matter of the applications for the enrollment of Sophie C. Pitchlynn and Lee Pitchlynn as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card records in these cases that at the session of the Commission held at Caddo, Indian Territory, beginning August 21, 1899 and ending August 25, 1899, applications were made to the Commission for the enrollment as citizens by blood of the Choctaw Nation of Sophie C. Pitchlynn and Lee Pitchlynn.

An examination of the tribal rolls of the Choctaw Nation in the possession of the Commission shows that the names of Sophie C. Pitchlynn and Lee Pitchlynn, the applicants herein, are found upon the 1896 Choctaw Census roll, page 264, being numbers 10404 and 10399 thereon, respectively.

It further appears from the records of the Commission that on September 4, 1896, in the case entitled Edward R. Pitchlynn, et al., Lee Pitchlynn and Grace M. Pitchlynn, et al., vs. Choctaw Nation (1896 Choctaw Citizenship Docket, case number 580), original application was made to this Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for the admission of the applicants herein to citizenship in the Choctaw Nation as citizens by blood; and on December 2, 1896, the said Sophie C. Pitchlynn and Lee Pitchlynn were by this Commission admitted to citizenship in the Choctaw Nation as citizens by blood, from which decision of the Commission no appeal was taken.

It appears from the evidence in this case that the applicants herein are the legitimate children of Peter P. Pitchlynn, who died in Washington, D. C., January 17, 1881; that said Peter P. Pitchlynn served the Choctaw Nation in the capacity of Chief for many years, and represented said Nation as a delegate at Washington, D. C. continuously from 1866 to the date of his death; that the applicants resided with their said father prior to his death in Washington, D. C., and have continued to reside in said city; that the applicant, Sophie C. Pitchlynn, has been an invalid for many years and that the state of her health has compelled her to reside in said city; that the applicant, Lee Pitchlynn, has been employed for many years in the Treasury Department in said city; that both of the applicants have property rights and interests in the Choctaw Nation; and that they never intended to abandon their Choctaw home and fix a permanent domicile at Washington, D. C., and have not relinquished their rights as Choctaw citizens.

Following the rule laid down in the case of Joseph D. Yeargan, et al., vs. Cherokee Nation, I. T. D. 2900-1903, it is the

opinion of this Commission that the applicants, Sophie C. Pitchlynn and Lee Pitchlynn, should be enrolled as citizens by blood of the Choctaw Nation, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 10 1903

7-R-235
7-R-234

COPY.

Muskogee, Indian Territory, October 10, 1903.

Sophie C. Pitchlynn,
1104 Sixth Street,
Washington, D. C.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 10, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
(SIGNED).

Tams Bixby.
Chairman.

Registered.
Enc. 7-R-235.

7-R-235
COPY. 7-R-234

Muskogee, Indian Territory, October 10, 1903.

Lee Pitchlynn,

United States Treasury Department,

Washington, D. C.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 10, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Chairman.

Registered.

Enc. 7-R-234.

COPY. 7-B-233
7-B-234

Muskogee, Indian Territory, October 10, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 10, 1903, granting the application for the enrollment of Sophie C. Pitchlynn and Lee Pitchlynn as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
(SIGNED).

Tams Bixby.
Chairman.

Registered.

Enc. 7-B-234-A.

Muskogee, Indian Territory, July 3, 1900.

Sophia C. Pitchlyn,

1104 Sixth Street, Washington, D.C.,

Dear Madam:

Your letter of June 20th, addressed to Captain McKennon, has been referred to the Commission for reply, as Captain McKennon is no longer one of the Commissioners. You inquire if the Commission received the statement of your case which the Honorable Secretary of the Interior advised you had been mailed to it, and also inclose copy of the same.

In reply to your letter, you are advised that the statement received from the Secretary of the Interior, and the one inclosed with your letter of June 20th, have been filed with the records of the Commission, to be forwarded, together with your testimony taken when you appeared before the Commission, to the Secretary of the Interior, when the final rolls of the Choctaw Nation are sent to him for review. The Commission has not as yet finally passed upon the rights of Grace M. Pitchlynn and her children, Paul P., Earnest L., Garland A., and Carlisle K. Pitchlynn to enrollment in the Choctaw Nation. They are listed with the doubtful claimants for enrollment as citizens of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-3097

Muskogee, Indian Territory, November 6, 1903.

Lee Pitchlynn,

Care United States Treasury Department,

Washington, D. C.

Dear Sir:

In the matter of the application for your enrollment as a citizen of the Choctaw Nation, you are requested to furnish the Commission with the degree of blood of which you are possessed. The testimony given by you at the time of making application fails to state such degree.

Please give this matter your early attention.

Respectfully,

Commissioner in Charge.

7-3698

Muskogee, Indian Territory, November 6, 1903.

Sophia Pitchlynn,
#1104 6th St.,
Washington, D. C.

Dear Madam:

In the matter of the application for your enrollment as a citizen of the Choctaw Nation, you are requested to furnish the Commission with the degree of blood of which you are possessed. The testimony given by you at the time of making application fails to state such degree.

Please give this matter your early attention.

Respectfully,

Commissioner in Charge.

7-5697
7-5698

Muskogee, Indian Territory, November 20, 1903.

Sophia Pitchlynn,
#1104 6th St.,
Washington, D. C.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th inst., stating that you and your brother are one-fourth blood Choctaw Indians.

You are advised that the information contained in your letter has been made of record in the matter of the application for enrollment of yourself and brother, Lee Pitchlynn, as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw 5698
Sophia Pitchlynn

5698

See Choctaw #5697

Transferred from Choc R. 235 10-26-03

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---------:---------

In the matter of the application for the enrollment of Sophie C. Pitchlynn and Lee Pitchlynn as citizens by blood of the Choctaw Nation.

7-R-235 7-R-234.

------:------

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Sophia Pitchlynn as a Choctaw; Edward E. Pitchlynn being sworn and examined by Com'r McKennon states:

Q What is your name? A Edward E. Pitchlynn.

Q How old are you? A Thirty-nine.

Q Where does Sophia Pitchylnn live? A In Washington D. C.

Q How long has she been living there? A All of her life, with the exception of at times she has been in the Nation.

Q When was she ever in the Territory? A At the meeting of the Council of 1896 and 7 I think.

Q She came down here to attend the Council? A Not only to attend the Council, but to see her friends and relatives.

Q How long did she remain here? A I guess they remained here six months I guess, or maybe more.

Q She went back to Washington? A Yes sir.

Q That is the only time she has been in the Territory?

A No, she was born here.

Q How old was she when she went away from here? A Three years of age.

Q She is still living there? A Yes sir.

Com'r McKennon: Enrollment is refused, as they haven't resided in the Territory.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

5950

Washington, D. C. May 1, 1900.

To The Honorables, the Commission
to the Five Civilized Tribes,
Muscogee,
Indian Territory.

Gentlemen:-

In consideration of the fact that your Honorable Commission are now engaged in making a final roll of Choctaw Citizens for submission to the Honorable Secretary of the Interior,-I, Sophie C. Pitchlynn the only daughter of the late Peter P. Pitchlynn, who was by birth a Choctaw Citizen, hereby desire to request a reconsideration of the decision and action of your Honorable Commission, which in August, 1899, as I have been unofficially informed refused enrollment to the children, Sophie C. and Lee Pitchlynn; and the grand children (sons of Thomas Pitchlynn deceased) Paul Peter, Ernest L. Garland Augustus, and Carlysle M. and their mother Grace M. Pitchlynn, widow of Thomas Pitchlynn. The said children and grandchildren and widow having been always previously recognized and enrolled by the Choctaw Nation as citizens of said Nation. The said Peter P. Pitchlynn was a native born citizen, serving the Choctaw Nation during such time and in such capacity as the following facts will show; and it seems to me that these facts when considered will show the injustice, even if they do not demonstrate the error of the action of the Honorable Commission in refusing enrollment on the assumption that the persons in whose behalf I write were non-residents of the Choctaw Nation.

My father Peter P. Pitchlynn served the Choctaw Nation in the capacity of [illegible] for many years, and as Delegate from the

year 1854 until the date of his death January 17th, 1861.

My father owned, occupied, and tilled the ground of a plantation at Eagletown in the Choctaw Nation, on which plantation I was born; and after his appointment as delegate by the Choctaw Council, his service to his Nation necessitated his coming to Washington and remaining for the purpose of performing his official duties; and this plantation, was not sold or abandoned, but left in the care of his son-in-law, Judge L. S. W. Folsom. My father during these years neglected all of his personal interests and devoted his time and energies to the discharge of his duty as Representative of the Choctaw People, in order that the best interests of his people should be attained and secured. He was one of the Commissioners of the Choctaw Nation in the negotiations resulting in the treaty between the Choctaw Nation and the United States concluded on June 22nd, 1855. He remained in Washington as such delegate until the late rebellion, suspended the active relations between the Choctaws and the United States. My father then returned to the Nation and was their Chief; and he remained such until peace was restored by the suppression of the rebellion. It was largely due to the wise Counsel of my father that the entire Choctaw Nation was restrained from participation in the late rebellion. After the making of the treaty of April 28th, 1866, when former relations were resumed between the Choctaws and the United States, my father returned to Washington, and resumed his former official position as delegate, which services were continued until his death. We should have left for the Territory at that time to take up our old homestead, (Hoom-

tain Fork) at Eagletown, but we were practically penniless; and could not for that reason even pay for the ground in which to place the remains of our beloved father when he died. His noble life had been sacrificed by the need of proper nutriment; and lack of protection from rain, snow and sleet through which he plodded, while demanding justice for that people whom he loved as a father loves his own children. Senators and Members of Congress today are willing and can testify to the long continued services he rendered his people He continued until death terminated his efforts, fighting and struggling with poverty during all these years; for the Choctaw Nation, did not compensate their delegates as did the Cherokees and Creek Nations, whose compensation was from $2,000.00 to $5,000.00 per year. His compensation was but nominal, for his fee was contingent upon his successful prosecution of certain claims; and compensation for many of his services remain unpaid today. It is certain that through neglect of his plantation, caused by his absence, it yielded him almost nothing for the support of himself and family; while others engaged in the pursuit of their own interests while pretending to be representing the Choctaws, received upwards of $5,000, per year from their farms. Even when in the Nation, my fathers interests were sacrificed for his people, for, during the war, destitution reigned among the Choctaw people; and the cotton and corn which he furnished for the relief of the poor and suffering people of the Choctaw Nation amounted to about $30,000, as I have often heard my father state; and for this he was never paid; while other Choctaw citizens who had furnished corn and cotton for the same purpose, received pay for all

they furnished. As a result of all these facts my fathers family was left destitute. Friends secured government positions for the boys, Thomas and Lee, who were taken from school in order to give support to their aged mother, and to myself. I was at that time extremely ill, and have never regained health and have become an invalid requiring almost constant care from Physicians and a nurse.

When my eldest brother, Thomas, had obtained sufficient means which were at his command, he at once returned to the Choctaw Nation and bought a farm in Bliss County, a few miles from Caddo in the Choctaw Nation. At that time Lee and myself would have followed him, but I was helpless from having been confined to my bed for two years. While my brother was on the farm he had purchased in the Choctaw Nation he was accidentally shot, and came to this city to be operated upon, and for such other surgical treatment as should become necessary to heal his wound. His wife and children were obliged to follow him here very soon afterwards. He never regained his health, and before he died, the farm he had purchased in the Choctaw Nation, was sold in order to pay his debts. After the death of my brother Thomas, in order to help maintain herself and her fatherless boys, the widow of my deceased brother, Grace M. Piethlgan, from force of necessity, secured employment here, and sent the children to the Public Schools. In 1896, my brother Lee, my sister-in-law (the widow of Thomas) her children, and myself, went to the Choctaw Nation, (it being the first time in years that I had been physically able to take the trip), to endeavor to fulfill certain duties left for me to discharge by my father. I had been his amanuensis during the last years of his life; and my father left

with me all official papers and instructions, as to communications to his co-delegates; and this duty I performed despite the fact of being an invalid until the settlement of the "Net Proceed Claim" in 1896. The object of our return to the Territory the Choctaw Nation was the protection of our rights and interests as Choctaw Citizens, and to place before the Choctaw Council at Tushkahoma, the claims of my deceased father against the Choctaw Nation. We were at that time all legally enrolled by the Choctaw Commission; but failure met my efforts at the Council so far as the settlement of our claims against the Nation were involved; for after three days of effort at the Council, I met with an accident almost resulting in my death; and after two months, was given up as a hopeless invalid at the Charity Hospital at Fort Smith, Ark. (where I had been sent from Tushkahoma) and at last was sent to Washington to die; living yet recovery hopeless. I have been constantly dependent since that time upon the attention of skilled Physicians and Hospital treatment, to prolong my life.

From this statement of facts, your Honorable Commission will have no difficulty in determining the fact to be that we have been away from the Choctaw Nation, first, by my fathers duties as Delegate of the Choctaw Nation in this city, where his official duties were performed; and lastly as creatures of circumstances and conditions which we had no power to change. We were still Choctaw Citizens by blood, and have never relinquished our rights as such, either intentionally or otherwise.

My brother Lee is still employed in the United States Treasury Department, and is recorded in the Official Register as ap-

pointed from the Choctaw Nation; the widow and children of my deceased brother Thomas, are at Caddo in the Choctaw Nation; and Everett R. Pitchlynn is Assistant Postmaster at Caddo in said Nation.

In October, 1896, we were enrolled at Caddo by the Choctaw Citizenship Commission, and on the 4th day of February, 1897, I received an official statement certified to me by Hon. Solomon J. Homer of Caddo, National Secretary of the Choctaw Nation, of the fact of the enrollment of the names of my fathers children and grandchildren, on the legal citizenship roll of the Choctaw Nation, by the Chief Commissioners Board. I am informed through the officials of the Choctaw Nation that no one of the Choctaws would find or could make an objection to our legal citizenship; but if their recommendation were required to maintain our rights of Choctaw Citizenship, it would be cheerfully accorded, as it is considered to be meritoriously due, by the Choctaw People, who know, and recognize the value of the services rendered by my father to them.

I have an official communication from the Secretary of your Honorable Commission, Mr. A. L. Aylesworth, sent to me from Muscogee, and dated June 25, 1898, which is an answer to an inquiry I caused to be made relative to our enrollment as Choctaw Citizens. In that communication, it was stated that the following named persons were admitted to citizenship in the Choctaw Nation, under their application of 1896, towit: Edward R. Pitchlynn, Lee Pitchlynn, Grace M. Pitchlynn as an inter-married citizen, Sophie C. Pitchlynn, Paul P. Pitchlynn, Ernest L. Pitchlynn, Garland A. Pitchlynn, Carlisle; M. Pitchlynn and no appeal was taken within the time prescribed by law so far as our records show, and the parties are eligible for enrollment."

I have relied upon that enrollment, as a final and conclusive determination under the law of the right, and of the fact, that the persons above named are Choctaw Citizens by blood, and by reason thereof are entitled to be enrolled as such, under the provisions of the Act of Congress approved June 28th, 1898. I am advised that the right of the children, and grandchildren of my deceased father, who are included in the list furnished me by your Honorable Commission, on the 28th day of June, 1898, as having been enrolled as Choctaw Citizens under the provisions of the Act of Congress Approved June 10th, 1896, is such an enrollment of the children and grandchildren of the late Peter P. Pitchlynn, as your Honorable Commission may recognize and adopt, in making the enrollment authorized by section 21, of the Act of June 28th, 1898. The names of the persons on said roll were not placed thereon "by fraud or without authority of law"; but they made each of them had "lawful right" to such enrollment, because they were each Choctaw Citizens, by birth and blood, and were the children and grandchildren of an acknowledged Choctaw Citizen. I am also advised that the right of the persons in whose behalf I make this statement to your Honorable Commission, to be enrolled as citizens of the Choctaw Nation, is not impaired by that provision of section 21 of said Act which provides that- "No person shall be enrolled who has not removed to and in good faith settled in the Nation in which he claims citizenship".

Your Honorable Commission is directed by the Statute, "to make correct rolls of the citizens by blood", of the Choctaw Nation; and the enrollment of those who are citizen by adoption, or by marriage. Those in whose behalf this statement is submitted to your

Honorable Commission, are such Choctaw Citizens "by blood", because their father and grandfather were both native born Choctaw Citizens, "by blood". The facts I have here stated in regard to the absence of my father and of either of the persons included in said list, from the Choctaw Nation, is fully explained; and the causes from which such absence resulted, do not justify the assumption that either of the persons included in said list have done any act from which it can be inferred that either of them has intended at any time, to do any act which terminate either their right to Choctaw Citizenship, or their residence in the Choctaw Nation.

It seems quite certain that those in whose behalf I submit this statement, are not required by that provision of the 21st section of the Act of June 28th, 1898, which I have quoted, "to remove to", and "in good faith settle in" the Choctaw Nation; because they were Choctaw Citizens by birth and blood; and their place of residence when determined by familiar and elementary legal principles has at all times continued to be in the Choctaw Nation.

The continued residence of my deceased father must be conceded to have been at all times in the Choctaw Nation; because he was not absent from that Nation except in an official capacity as the representative of his Nation in the discharge of official duty. The place of residence of the acknowledged head of a family, is in contemplation of law, as I am advised, the residence of the children until they have exercised their right of fixing their own domicile or place of residence, after they have become of full age and have acquired that right. My father had provided for himself and family, a place of residence in the Choctaw Nation; and it is not to

be presumed, from the facts I have here stated that any of the children of my deceased father, have acquired for themselves a permanent place of residence outside of the Choctaw Nation. There is therefore no reason why the children of my deceased father should "return to" and "settle" in the Choctaw Nation.

They are in contemplation of law as much residents of the Choctaw Nation, as when they were in that Nation, as members of their fathers household; because the facts to which I have called the attention of your Honorable Commission are not sufficient to establish the fact that either of the persons in whose behalf I make this appeal to your high sense of justice, have intended to abandon the Choctaw Nation, and fix their permanent domicile, or place of residence in the City of Washington. My brother Lee, even before he arrived at the age of twenty one, secured a place in the public service in this city. My brother Thomas Pitchlynn, was at the date of his death, both legally and in fact, an actual resident of the Choctaw Nation; and that actual residence has continued to be the residence of his widow and infant children since his death. Those children are yet infants, and with their mother who is still a widow, they now reside in the Choctaw Nation.

The facts I have here stated as the reasons for my own absence from the Choctaw Nation, do not justify the Commission in the conclusion that I have ever absented myself from the Choctaw Nation in such a sense, or intention as would require me "to remove to" and "settle" in the Choctaw nation, in order that I may be enrolled as a "Choctaw Citizen by blood", by your Honorable Commission.

Trusting this my appeal, to that high sense of justice which I am confident will inspire the official action of your Honorable Commission in this matter, and that it may receive careful consideration, and that as a result of such consideration ample and complete justice may be rendered to the persons in whose behalf I write, I am,

Yours very respectfully,

Sophie C. Pitchlynn.

I, Sophie C. Pitchlynn, do solemnly swear that the facts stated in the foregoing communication addressed by me to the Commission for the Five Civilized Tribes of Indians, are true so far as such facts are stated of and upon my own knowledge; and that as to the facts therein stated upon information and belief, I believe the same to be true.

Sophie C. Pitchlynn.

Subscribed and sworn to before me this 7th day of May, 1900.

Goodwin G. Wilson,
Notary Public.

1104-6th St N.W.
Washington D.C.

State of Arkansas
Sebastian County

J. C. Amis being duly sworn, says that he is a regular practicing physician and that Miss Sophie C. Pitchlynn, was referred to him by Dr. E. N. Wright of Tuskahoma Indian Territory, for treatment in the year 1896. That Miss Pitchlynn came under his care September, 10, 1896, at which time she was extremely ill, suffering from an attack of general peritonitis; that she remained at the hospital and under my care until October, 29, 1896, at which time she was removed to Washington, D. C. accompanied by a doctor and a nurse. Miss Pitchlynn, above referredto, was in an extremely critical condition most of the time that she was under his care and was far from being well when she was taken from under his care.

J. C. Amis

Subscribed and sworn to before me this 25th day of June A.D.1903.

Notary Public.

My Commission expires Jan., 18, 1904.

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Lee Pitchlynn as a Choctaw; Edward E. Pitchlynn being sworn and examined by Com'r McKennon states:

Q What is your name? A Edward E. Pitchlynn.

Q How old are you? A Thirty-nine.

Q Where is Lee Pitchlynn living? A In Washington, in the United States Treasury.

Q How long has he been living there? A About the same length of time that Sophia has.

Q When did he go there? A He was born in Washington.

Q That has been his home all his life hasn't it? A No, he claims this as his home.

Q He has been living there hasn't he? A Yes sir, he has been living there.

Q When was he in the Territory? A During the time that Sophia was here.

Q That is all the time that he has ever been in the Territory? A To the best of my knowledge that is.

Com'r McKennon: Enrollment is refused; he has not resided in the Indian Territory.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

D66

7-R-235
7-R-234

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---------:---------

In the matter of the applications for the enrollment of Sophie C. Pitchlynn and Lee Pitchlynn as citizens by blood of the Choctaw Nation.

--; D E C I S I O N ;--

It appears from the census card records in these cases that at the session of the Commission held at Caddo, Indian Territory, beginning August 21, 1899 and ending August 25, 1899, applications were made to the Commission for the enrollment as citizens by blood of the Choctaw Nation of Sophie C. Pitchlynn and Lee Pitchlynn.

An examination of the tribal rolls of the Choctaw Nation in the possession of the Commission shows that the names of Sophie C. Pitchlynn and Lee Pitchlynn, the applicants herein, are found upon the 1896 Choctaw Census roll, page 264, being numbers 10406 and 10399 thereon, respectively.

It further appears from the records of the Commission that on September 4, 1896, in the case entitled Edward E. Pitchlynn, et al., Lee Pitchlynn and Grace M. Pitchlynn, et al., vs. Choctaw Nation (1896 Choctaw Citizenship Docket, case number 589), original application was made to this Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for the admission of the applicants herein to citizenship in the Choctaw Nation as citizens by blood; and on December 2, 1896, the said Sophie C. Pitchlynn and Lee Pitchlynn were by this Commission admitted to citizenship in the Choctaw Nation as citizens by blood, from which decision of the Commission no appeal was taken.

It appears from the evidence in this case that the applicants herein are the legitimate children of Peter P. Pitchlynn, who died in Washington, D. C., January 17, 1881; that said Peter P. Pitchlynn served the Choctaw Nation in the capacity of Chief for many years, and represented said Nation as a delegate at Washington, D. C. continously from 1866 to the date of his death; that the applicants resided with their said father prior to his death in Washington, D. C., and have continued to reside in said city; that the applicant, Sophie C. Pitchlynn, has been an invalid for many years and that the state of her health has compelled her to reside in said city; that the applicant, Lee Pitchlynn, has been employed for many years in the Treasury Department in said city; that both of the applicants have property rights and interests in the Choctaw Nation; and that they never intended to abandon their Choctaw home and fix a permanent domicile at Washington, D. C., and have not relinquished their rights as Choctaw citizens.

Following the rule laid down in the case of Joseph D. Yeargan, et al., vs. Cherokee Nation, I. T. D. 2900-1903, it is the

opinion of this Commission that the applicants, Sophie C. Pitchlynn and Lee Pitchlynn, should be enrolled as citizens by blood of the Choctaw Nation, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 10 1903.

7-R-235
7-R-234

COPY.

Muskogee, Indian Territory, October 10, 1903.

Sophie C. Pitchlynn,
1104 Sixth Street,
Washington, D. C.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 10, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED):

Tams Bixby.

Chairman.

Registered.
Enc. 7-R-235.

7-R-235
7-R-284

COPY.

Muskogee, Indian Territory, October 10, 1903.

Lee Pitchlynn,

United States Treasury Department,

Washington, D. C.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 10, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. 7-R-234.

COPY.

7-R-235
7-R-234

Muskogee, Indian Territory, October 10, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 10, 1903, granting the application for the enrollment of Sophie C. Pitchlynn and Lee Pitchlynn as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. 7-R-234-5.

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Sophia Pitchlynn as a Choctaw; Edward E. Pitchlynn being sworn and examined by Com'r McKennon states;

Q What is your name? A Edward E. Pitchlynn.

Q How old are you? A Thirty-nine.

Q Where does Sophia Pitchylan live? A In Washington D. C.

Q How long has she been living there? A All of her life, with the exception of at times she has been in the Nation.

Q When was she ever in the Territory? A At the meeting of the council of 1896 and 7 I think.

Q She came down here to attend the council? A Not only to attend the council, but to see her friends and relatives.

Q How long did she remain here? A I guess they remained here six months I guess, or maybe more.

Q She went back to Washington? A Yes sir.

Q That is the only time she has been in the Territory?

A No, she was born here.

Q How old was she when she went away from here? A Three years of age.

Q She is still living there? A Yes sir.

Com'r McKennon: Enrollment is refused, as they haven't resided in the Territory.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

5699 Samuel S. Burris Choc

5699

No 3 enrolled by special Provision of act of June 21, 1906 [34 STAT 326]

Granted Dec 31, 1906

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment as citizens by blood of the Choctaw Nation of-

S A M U E L S Y D N E Y B U R R I S

a n d

H Y M A N H. B U R R I S - - -5699.

-oOo-

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Samuel S. Burris for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Samuel S. Burris.

Q How old are you? A Nineteen.

Q You claim to be a Choctaw? A Yes sir.

Q You were born in Arkansas were you? A Yessir

Q You have lived there all your life? A Yes sir, until the last four years.

Q When did you come to the Nation first? A Three years ago ~~this~~ last ~~of~~ August.

Q During this month? A Yes sir.

~~Q Did you remain here xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

Q Do you remember what year? A In 1896 I believe.

Q Have you been here ever since? A I went back to Arkansas.

Q How long did you stay here when you came here in 1896?

A About two months.

Q What time in 1896 was that? A In August sometime.

Q What time did you go back? A In September.

Q When did you come here again? A In February 1897.

Q How long did you stay here then? A I have been here ever since; I have lived in the Chickasaw Nation too.

Q What is your mother's name? A Polly Ann.

Q What did you understand your father's name to be?

A Gabriel Burris.

Q Did ever you see him? A Never did.

Q You learned from your mother that your father's name was Gabriel Burris? A Yes sir.

William H. Harris, being sworn and examined, testifies:

Q What is your name? A William H. Harris.

Samuel S. Burris- Wm.H.Harris, witness #2)

Q How old are you? A Forty-eight.

Q State what you know about this young man? A Gabriel Burris married Polly Ann Arnold on the Canadian River,- it must have been somewhere about 1881 or 1882, I don't remember just how long ,- he lived with her as his wife in the community for perhaps a year, something like a year, and her mother come and taken her home to Arkansas, with the understanding that they were to take care of her during her confinement. She went off there and never did return; afterwards I was in Arkansas on a trip, and I saw her there, and her child.

Q You don't know whether this young man was the same child or not? A No sir.

Q You have learned, however, from other sources, that this young man is the identical child, and you are satisfied that he is?

A Yes sir. I have corresponded with parties that I was acquainted with in Arkansas, and that is my information from other parties.

Q You were corresponding for the purpose of getting information?

A Yes sir, I was corresponding for the administrator of the Gabriel Burris estate for the purpose of finding out where this young man was.

Com'r McKennon: He is not on the rolls, and we will have to refuse to enroll him, but will make special report of his case to the Secretary of the Interior.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter., June 6, 1900.

In the Matter of the Application of Samuel Sydney Burris, for Enrollment as a Citizen of the Choctaw Nation. : Choc.-572.

Samuel S. Burris, being first duly sworn, testified as follows:

By Acting Chairman Bixby:

Q What is your name? A Samuel Sydney Burris.
Q What is your age? A Twenty years.
Q What is your postoffice address? A Franks, I. T.
Q Do you live at Franks? A Yes sir.
Q Do you make application as a Choctaw Indian by blood? A Yes sir.
Q What is the name of ~~thxxx~~ your father? A Gabriel Burris.
Q Is he living? A No sir.
Q When he was living, was his name on the Choctaw rolls? A Yes.
Q When did he die? A I don't know when he died?
A About how long ago? A About 5 or 6 years ago.
Q Did his name appear on the roll of '96? A I guess not.
Q What is the name of your mother? A Polly Lamb since she is married again
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian? A No sir.
Q Citizen of the U. S.? A Yes sir.
Q To what county in the Cgoctaw nation do you claim to belong?
A Atoka Co,
Q How long have you lived in the Ind. Ter? A Three years.
Q Have you been outside of the I. T. during the last 3 years? A Yes.
Q How much of the time have you been out? A About 3 months.
Q Is that all? A Yes sir.
Q What was you doing outside the Ty.? A I went back home.
Q Where is that? A Arkansas.
Q Is Arkansas your home? A That is where I was raised.
Q You was born in Ark? A Yes sir.
Q How long have you lived in Ark? A I lived there all my life until '97.
Q Have you ever been enrolled by the Choctaw tribal authrities? A Yes
Q On what roll does your name appear? Is your name on the roll of '96
A No, '98 I believe.
Q The Choctaws didn't make a roll in '98; do you know whether or not your name appears on the roll of '96? A I don't think it is on the '96 roll.

Statement by Mr. A. Telle, Atty for the Choctaw Nation: He is not on the '96 roll, but after the '96 roll had been made, it was not generally known that the Choctaw Nation had no right to make a roll, and he applied and was enrolled by the Choctaw Commission and that certificate was issued by virtue of that; that was later than the '96 roll. His father is Choctaw and married a white woman, and she went to Arkansas, and he was born and raised in Ark. He came back to the courts here after the death of his father; at the dividing up of the property there was a certain amount set aside for this boy. When he identified himself in the courts here, I was there.

By Mr. Bixby, to witness S. S. Burris:

Q Did you apply to the Choctaw tribal authorities? A Yes sir.

Q And you were admitted? A Yes sir.
Q That was in '98, was it? A Yes sir.
Q You never applied to the Dawes Commission in '96, did you? A No sir
Q What proportion of Choctaw blood do you claim to have? A 1/4.
Q Are you married? A Yes sir.
Q Is there any additional statement in regard to your case that you desire to make at this time? A No, that is all I know of.
Q You will be permitted to offer any additional statement, affidavits or proper papers that you wish to present.

S. E. Lewis, being first sworn by Acting Chairman Bixby, in the above entitled matter, testified as follows:
By Mr. I remember when this boy came before the Board; I think it Burris was in '98, and we enrolled him. I knew the old man, Gabriel Burris. He was a half bred Choctaw. I was not acquainted with this boy's mother at all.
By Atty. Rawles:
Q Was Gabriel Burris a recognized Choctaw Indian? A Yes sir.
Q Living in the Choctaw Nation? A Yes sir.
Q When did he die? A I saw him here in 1887-90 at Atoka. I don't remember when he died.

By Mr. M. Cornish, Atty. for the Choctaw Nation.:
Q What knowledge have you that this man is the son of Gabriel Burris?
A Only what Mr. Telle, says.
Q Do you know when this boy was born? A No sir.
Q Or where he was born? A No sir.
Q You have no personal knowledge that he is the son of Gabriel Burris, have you? A No sir.

J. E. Folson, being first sworn by Acting Chairman Bixby, testified as follows:
By Mr. Bixby:
Q What is your name? A J. C. Folsom.
Q What is your age? A 69 years.
Q Are you a citizen of one of the Five Tribes? A Yes sir.
Q Which nation do you belong to? A Choctaw nation.

By Mr. Rawles:
Q Are you acquainted with the applicant, S. S. Burris? A Not personally.
Q How long have you known him by sight? A I have known him ever since 1897.
Q State whether or not you were appointed his guardian in the Choctaw courts here in '97? A I was appointed in '97 by the courts to be his administrator.
Q That was by the Choctaw courts of Atoka Co.? A Yes sir.
Q For what purpose were you appointed? A To administer upon Gabriel Burris' estate.
Q Did you know Gabriel Burris during his lifetime? A Yes, I have known him for, I suppose, 50 years.
Q Do you know whether or not the applicant proved up his right as an heir of Gabriel Burris' estate? A Gabriel Burris' heirs all acknowledged him a legal heir in the Gabriel Burris estate.
Q When did Gabriel Burris die? A six or seven years ago.
Q The Gabriel Burris estate was administered in the Atoka county court, Choctaw Nation was it? A Yes sir.
By Mr. Cornish-atty for Choctaw Nation.
Q At whose instance were you appointed his administrator? A By this young man's request.
Q When did you first see and know him? A At Atoka, about the time he came to this country.
Q Where did he come from here? A It was reported he come from Ark.

Q Do you know that he came from Ark? A I do not.
Q Did you know of Burris' marriage to the mother? A I knew of it indirectly.
Q Do you know of your own personal knowledge? A No sir.
Q And you don't know of your own personal knowledge that this man was the son of Gabriel Burris, or that his mother was legally married to Burris? A No sir.

A. Telle, being first duly sworn, testified in the above case as follows:
By Atty. Rawles:
Q State your name, age and occupation? A A Telle, 40 years, I live in Atoka, Co., Choctaw Nation.
Q Did you have anything to do with the preparation of the Choctaw rolls in 1897? A Yes sir.
Q You are acting for the Choctaw Nation? A Yes sir.
Q State if you know the applicant; and if so, how long you have known him? A I have known him ever since he has been in the country, since '97, when he came here; i. e., first, I knew of him several years before that.
Q Did you know his father, Gabriel Burris? A Yes sir.
Q Do you know when Gabriel Burris dies? A I remember the time he died, but I don't remember just when.
Q Was it a few, or several years ago? A Been something like 6 or 7 years.
Q Did he die before the leased district payment? A I can't say.
Q Do you remember the circumstances surrounding the enrollment by the Choctaws in '97, of the applicant? A He simply appeared and asked to be enrolled as a Choctaw citizen, and the Commission, being satisfied, from the proceedings they had had in the courts, reported him on the rolls.
Q Where was the court which he appeared before? A Here at Atoka.
Q Do you know where the estate of Gabriel Burris was administered?
A Here in Atoka Co.
Q Hw was a recognized Choctaw by blood? A Yes sir.
Q About what part Choctaw was he? A About half breed.
Q Has he any sons living here? A He has one living here.
Q He is enrolled isn't he? A Isaac Burris, isn't it?
Q Yes sir. A Yes.
Q Do you have any personal knowledge of the marriage of Gabriel Burris to this boy's mother? A No, I haven't, but when we had this matter up in the courts, the question came up as to whether his marriage to this white woman, who had taken the boy to Arkansas, was legal, and the court inquired into it, and the only evidence the court could get was not of the marriage itself, but of the divorce proceedings they had. A copy of the divorce was fil d as evidence.
Q Is this a copy of the decree you have reference to? A It appears to be, but I can't say.
Offered in evidence and filed with the Commission.

By Mr. Cornish, Atty. for the Choctaw Nation.
Q The only evidence you had was that of the court when his claim --the claim ofthis youngman was presented--the showing that was made before the Court--that is, the Commission acted upon the knowledge that he had been before the Court? A From the information he gave them, and I had correspondence with reference to this boy.
Q The information you acquired was in connection with the court proceedings? A Yes sir.
Q And that was the information upon which the Commission acted? A Yes
Q It is a fact, that the Commission had no authority at that time, to enroll him? A It was subbequently decided that way, yes.
Q You state that the only evidence of the marriage of Gabriel Burris to the mother of this young man, was as to the fact she had been divorced from him? There was no evidence before the court of the marriage? A No sir. the Court drew the conclusion that if she had

been divorced, that she had previously been legally married. It was a matter of common knowledge that he had a wife.

Q You say the Court inquired into the fact as to whether he had been married, and came to the conclusion that he had been married by reason of the divorce proceedings afterwards? A Yes, I think so.

Q Have you any personal knowledge of the mother of this boy? A Yes, his brothers and sisters know and recognize him.

Q Did you know the mother? A No.

Q You had no personal knowledge of the marriage? A I first heard of him from his half brothers and sisters; they said that there was one more heir that was entitled to participate in this fortune.

Q You had no personal knowledge of him or of the fact that he was Gabriel Burris' son? A No sir.

Offered in evidence affidavit of the mother and brother as to the marriage, and also, the petition of the applicant to the Choctaw Commission., and filed with the Commission.

Q Where did you get this copy? A I got it from Sydney.

Sydney S Burris recalled.

By Mr. Bixby:

Q Do you know the exact date upon which you first came to the Ty?

A 1897.

Q What day and what month? A July; I don't know what day.

By Mr. A. Tellet I think we enrolled this boy in 1898 instead of 1897.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the foregoing witnesses, and that the above transcript of their testimony is true and complete.

Frances R. Brown

Subscribed in my presence and sworn to before me this 10th day of June, A. D., 1900.

Acting Chairman.



FILED
JUN 6 1900
COMMISSION TO FIVE TRIBES.

The Choctaw Nation } Dec. Term 1881.
the county of Tobucksy } In Circuit Court.

Gabriel Burris
V.S. Petition for a divorce
Polly Burris has this day been tendered & granted. This 9th of Dec. A.D. 1881.
Attest. W.H. Colbert. Clerk of the Circuit Court Tobucksy Co. Choctaw Nation

In the Probate and County Court for Atoka, County, Choctaw Nation.

In the matter of the estate of Gabriel Burris, deceased, I. H Burris, administrator.

Comes now your petitioner, Sidney G. Burris, and shows tp this Honorable Court that he is the son of the above named Gabriel Burris, and as such son id entitled to his share of the estate of said Gabriel Burris.

Your petitioner represents to the Court that heretofor, Isac H. a son of said Gabril Burris, was duly appointed administrator of said estate and qualified as such in this court; and that as such admonistrater he took posession of said estate, and by agreement with all of the heirs of said Gabriel Burris , except your petitioner, said estate was divided among said heirs and disposed of, and that by reason of such, said Isac H. Burris came into posession of the sum of $6 25.00, as the sum to which your petitioner as an heir of said Gabriel Burris, is entitled.

Your petitioner further represents that the sum of $125.00 is due his from said administrator, Isac. H. Burris, as his share of certain property that was sold by said administrator for the sum of $500.00 which was received by said administrator for a certain place which by agreement of the heirs had been reserved for your petitioner, and by said administrator was sold for the sum of $500.00

Wherefore your petitioner prays that the said Isac H. Burris be authorized and directed to pay over to your petitioner the said sum of $625.00

his
Sidney Thompson Burris
mark

Subscribed and sworn to before me , this the 2nd. day of Aug. 1897

J. M. Self
Clerk of Atoka County,
Choctaw Nation.

72

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 14 1902

ACTING CHAIRMAN.

Franko N.T. Apr 7 1902

To whom it may concern.

This is to certify that I have known Samuel S. Burris from his infancy on up. I knew Gabriel Burris fifteen years before his death and he and the mother of said Samuel S. Burris lived together as man and wife

his
Lucy × Burris
mark

(Witness)
Jim Driver
C.C. Swar

Sworn and subscribed to before me this 7th day of Apr. 1902.

W.H. Pendelton N.P.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Choctaw D-572

Muskogee, Indian Territory, March 5, 1902.

Samuel S. Burris,

Franks, Indian Territory.

You are hereby notified that the application of yourself and your minor child, Hyman H. Burris,

for enrollment as citizens of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Commissioner in Charge.

Register.

25695

Franko I.T. Apl. 7, 1902

To All whom it may Concern

This is to certify that I B.F. Byrd knew Gabriel Burris for twenty years while he was living with his first wife, who is now dead, and also knew his children by his first wife and Samuel Sidney Burris who claims to be a child of his second wife resemble the said Gabriel Burris more than his children by his first wife.

Benjamine F. Byrd

Sworn and subscribed to before me this 7th day of Apr. 1902.

W.H. Burdeshaw N.P.

December the 23 1902

Hart Ind. Ter.

The Department of the interior

Muskogee I. T.

Gentlemen I will rite you a few lines in regard to my case I would like to know what has ben don in regard to my case would like for you to rite to me and let me no if there has ben eny thing done for me yet I send B F Byrds affidavit on the othe side of this letter if it will be of eny use to you in I have not ben enrold pleas give me the reason as near as you can if there is eny thing I can do on my part that I can do address me at Hart Ind Ter

S. S. Burris

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 8 1903
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 26 1903
ACTING CHAIRMAN.

Franko O.T. Apr 7 1902

To whom it may concern.

This is to certify that I have known Samuel L. Burris from his birth on to the present time. I have always known him as Gabriel Burris's son and heard him spoken of as such

(Witness) C. Young

E.J. Cole

C.C. Swan

Sworn and subscribed to before me this 7th day of April 1902.

W.H. Burdshaw N.P.

Choctaw D 572 -

Muskogee, Indian Territory, March 7, 1903.

Mr. Samuel Sydney Burris,

Franks, Indian Territory.

Dear Sir:

It appears from the records of this Commission that you and your minor child, Hyman H. Burris, are applicants for enrollment as citizens by blood of the Choctaw Nation, but it does not appear that you or your minor child have ever been recognized or enrolled by the Choctaw tribal authorities as a citizen of said tribe in Indian Territory; neither does it appear that either of you have ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation; nor does it appear that either of you have ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear that any application has ever been made to the Commission for the identification of yourself and child as Mississippi Choctaws. The authority vested in the Commission to determine the identity of so-called Mississippi Choctaws is contained in the provision of the act of Congress approved June 28, 1898 (30 Stat., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of eighteen hundred and thirty above referred to is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that applicants

reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two commissions authorized for that purpose by the acts of Congress approved March 3, 1837, and August 23, 1842.

The Assistant Attorney-General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.' "

It would, therefore, be necessary, in order for yourself and minor child to obtain rights as Mississippi Choctaws, under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestors

S. S. Burris, 3-

who were living at the date of the conclusion of the treaty of 1830 were beneficiaries under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants who are over twenty-one years of age, or who are married, must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their cases. Parents and guardians may apply for their children and wards.

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides:

> "The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

If it is your desire and intention to make application to this Commission for the identification of yourself and your minor child as descendants of a Choctaw Indian who complied or attempted to comply with the said fourteenth article of the treaty of 1830, under the provisions of law above quoted, it will be necessary for you to appear in person before the Commission for examination as to said rights. You will be allowed until March 25, 1903 to make such application, after which date, if no such appearance is made, the Commission will then proceed to determine the rights of yourself and child to enrollment as citizens of the Choctaw Nation on the record as now made.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Registered.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 6 1903

CHAIRMAN.

G. V. HARDWICK. J. W. HUNDLEY.

HARDWICK & HUNDLEY,

DEALERS IN

DRY GOODS, NOTIONS, GROCERIES, HARDWARE,
FARM IMPLEMENTS, WIRE, NAILS, TINWARE, ETC.

Calvin, Ind. Ter., 4/21 1903.

Know all men by these present,

That this is to satisfy that I Edd Leader of Calvin, Ind. Ter. Choctaw Nation that I have known Isabel Burris ever since the old war days now his oldest son Ben Burris

I did not know Isabel Burris' first parents

Isabel Burris told me that he had land in Miss.

Isabel Burris was a full Blood Choctaw Indian

Sworn and subscribed before me a Notary Public this 21 day of April 1903

Edd his x Leader mark

L. F. Nesh N. P.

Witness H B Harrell

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. 7382,
Sidney S. Burris, et al.

On this day personally appeared before me E l i z a b e th Harrison, who, having been by me first duly sworn, according to law, states on her oath that she is 79 years of age, a member by blood of the Choctaw Tribe of Indians; that she is a o n e - h a l f Choctaw by blood, and that she was born in the state of Mississippi, and that she was well and personally acquainted with a Choctaw woman known as the "Widow Burris"; that the said Widow Burris had seven children, and their names were as follows, to-wit:

Gabriel, Johnson, Cleason, Stephen, Susan, Palina, Polly.

That these children were all born in the State of Mississippi, and afterward the widow Burris and her children Gabriel, Johnson, Cleason, Stephen, Susan, Palina, Polly ? removed to the Choctaw Nation; that the widow Burris was related to affiant as follows:

Grand-daughter.

That the said widow Burris owned the improvements upon lands in the old Choctaw Nation, in the State of Msississippi, at the time of the treaty between the United States and the Choctaw Nation, known as the "Dancing Rabbit Creek Treaty."

Affiant further states that Gabriel Burris, after coming to the Choctaw Nation, was married, and that Isaac Burris, B.e n Burris, and Phoebe Burris and two others now forgotten were children of his by his first marriage. That his first wife died, and afterwards he was married to a white woman,- as affiant is informed and believes, and that the applicant, Sidney S. Burris is

a child by the white woman, and a half-brother of Isaac Burris and the other children by the first wife.

Affiant further states that the statement here in made, as to the marriage of Gabriel Burris to his second wife, and as to the applicant, Sidney S. Burris, being a child by that marriage, is based upon her information as gained from hearing the matter of the second marriage discussed.

Affiant further states that she was well acquainted with Gabriel Burris, and that he was a recognized citizen of the Choctaw Nation, and that her sons, among whom are, "William H., John M. Harrison, were also personally acquainted with Gabriel Burris, and she understands were acquainted with the petitioner, Sidney S. Burris.

Affiant further states that it is her information that the widow Burris complied with Article 14 of the Treaty of 1830, and that after coming to this country her son, Gabriel Burris and other relatives, received all or a portion of the money due for lands to which she was entitled under the provisions of that article,-- the claim having been adjudicated by the Atoka Revisory Board, and allowed and paid out of the money known as the "Net Proceed Fund".

Elizabeth Harrison

Subscribed and sworn to before me on this the 10th day of July, A. D., 1903.

W. B. Farmer
Notary Public.



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

APR 7 1905

CHAIRMAN

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

Samuel S. Burris, being duly sworn states on oath that he is a son of Gabriel Burris; also a half brother of Isaac Burris and of Mrs. Phoebe perry, deceased wife of Calvin Perry. He states that Mrs. Patsey Atwood, Mrs. Francis Donaghey and Mrs. Phoebe Scott are hisnieces and will so testify if necessary.

That W. H. Harrison, Robert Harrison and Hiburn Harrison are his cousins on his father's side.

S S Burris

Subscribed and sworn to before me this 10th day of April 1905.

J. C. Little
Notary Public.

My Commission Expires Jan. 30. 1907.

7-5699.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Samuel Sydney Burris and Hyman H. Burris, as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that Samuel Sydney Burris (19 years of age) appeared before the Commission at Atoka, Indian Territory, during a session begining August 28, 1899 and ending September 2, 1899, and made personal application for the enrollment of himself as a citizen by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Atoka, Indian Territory, on June 6, 1900; and on December 28, 1901, written application was made to the Commission for the enrollment, as a citizen by blood of the Choctaw Nation, of Hyman H. Burris, infant son of Samuel Sydney Burris and his wife, Florence Burris, proper proof of the birth of said child, on May 8, 1901, being furnished the Commission on the date of said application. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on April 14, 1902.

It appears from the record herein that the applicant Samuel Sydney Burris is a son of Gabriel Burris, deceased, a recognized and enrolled citizen by blood of the Choctaw Nation who is identified upon the 1885 Choctaw Census Roll, Tobucksy County, number 189, and Polly Ann Burris, a white woman having no rights of Choctaw citizenship by blood; that immediately prior to the birth of the said Samuel Sydney Burris his mother separated from her husband, left the Indian Territory and took up her residence in the State of Arkansas, where the said Samuel Sydney Burris was born and where he resided, with his mother, until February 1897 when he moved to and in good faith settled in the Choctaw-Chickasaw country where he continued to reside up to and including September 25, 1902; that on July 23, 1900 he was married to Florence Burris, nee Hayes, a white woman having no rights of Choctaw citizenship by blood, and that the applicant Hyman H. Burris is the offspring of said union.

It is, therefore, the opinion of this Commission that Samuel Sydney Burris and Hyman H. Burris should be enrolled as citizens by blood of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

_____
Chairman.

Muskogee, Indian Territory,

_____
Commissioner.

_____

_____
Commissioner.

DEPARTMENT OF THE INTERIOR ,
COMMISSIONER TO HE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation.....OF.....

FLORENCE BURRIS.....7-5699.

M C - 7382

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., MARCH 24, 1903.

In the matter of the application of Samuel S. Burris for the identification of himself and his minor child, Hyman H. Burris, as Mississippi Choctaws.

J. G. Ralls, attorney for applicants, not present.

Samuel S. Burris, after being duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Samuel S. Burris.
Q How much Choctaw blood do you claim to have? A One-fourth.
Q How old are you? A I am 23 years old.
Q What is your post-office? A Hart, Ind. Ter.
Q In what nation is that? A The Chickasaw Nation.
Q How long have you lived in Indian Territory? A Ever since 1897 except two little trips I have taken out.
Q Where did you live previous to 1897? A In North Arkansas.
Q Were you born in Arkansas? A Yes sir.
Q And lived in that state until 1897? A Yes sir.
Q What is the name of your father? A Gabriel Burris.
Q Is he living or dead? A He is dead.
Q What is the name of your mother? A Her maiden name was Polly Ann Arnold.
Q Is she living or dead? A She is living.
Q What is her name at the present time? A Land is her namenow.
Q Is she married to a white man? A Yes sir.
Q Do you claim your Indian blood through your father? A Yes sir.
Q Is your mother a white woman? A yes sir.
Q How much Indian blood wasyour father possessedof? A Some said he was half blood and some said he was a full blood. I think he was a half blood.
Q Were your father and mother legally married? A Yes sir.
Q Where werethey married? A In the Creek Nation.
Q Who married them? A A white man named Ramsey married them.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Florence Burris.
Q Is she a white woman? A Yes sir.
Q Does she make any claim to Indian blood? A No sir.
Q Have you any children? A I have one.
Q Give its name and age? A Hyman H. Burris.
Q How old is he? A He is nearly two years old; he was born May 8, 1901.
Q Have you any other children? A No sir; not old enough.

Q Have you another child? A One born January 3, 1903.

The Commission is without authority at this time to hear or make any record of the application for the enrollment of this child born subsequent to September 25, 1902, the date of the ratification of the Choctaw-Chickasaw Agreement.

Q Wereyou ever recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe? A I was recognized as a member I guess.
Q as your name ever put upon the rolls of the Choctaw Nation? A Telle put me on in his office at Atoka.
Q When was that? A It was in 1898.
Q Your name was not put on the rolls in 1896? A No sir.
Q Was your name put upon the rolls of the ChoctawNation 1893? A No sir.
Q Have you ever received any annuity as a Choctaw Indian? A No sir.
Q Have you ever made application to this Commission for the enrollment of yourself and child as a citizen by blood of the Choctaw Nation? A Yes sir.

Reference is made to Choctaw Doubtful Roll Card, field No. 572, upon which appears the name of Samuel S. Burris and his minor child, Hyman H. Burris, a s applicants for enrollment as citizens by blood of the Choctaw Nation . No final disposition has been made of this application by the Commisd on.

Q Were you everxmaxx admitted to Choctaw citizenship by the tribal authorities of the Choctaw Nation, except this time in 1898? A No sir.
Q Did you ever make application to this Commission or to the United States Court in Indian Territory for admission to citizenship in the ChoctawNation? A I made application to this Commission in 1898.
Q You did not make application in 1896? A No, I was not in this country.
Q Do you now wish to make application for the identification of yourself and child, Hyman H. Burris, as citizens or descendants of Choctaw Indians who resided in Mississippi in 1830 and complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Article 14 of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bound by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which os living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land

intending to become citizens of the statesfor five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shallinclude the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that provisions of the t eaty of 1830? A Yes but I don't understand that about their leaving or moving.

The treaty of 1830 was concluded between the United States and the Choctaw Indians in Mississippi for the purpose of removing the Choctaw tribe of Indians from the old Nation they occupied in Mississipi and Alabama to the new Choctaw Nation in Indian Territory. Many of the Indians did not want to leave the nation they werethen occupying and so article 14 was put into the treaty for the benefit of those remained back. That last caluse which reads, "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity," was meant to provide that all those who removed might not receive any of the money s belonging to the tribe but they were still to be citizens.

Q Now do you understand that provision of the lawa A Yes sir.
Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisons of the 14th artivle of the treaty of 1830? A I don't know.
Q Do you know whether any of your Choctaw ancestors were living in the state of Mississippi in 1830 when this treaty was made? A I don't know.
Q Were any of your Choctaw ancestors ever r ecognized as citizens of the Choctaw wation? A Yes sir of this Choctaw Nation.
Q There was never any doubt about your father being a citizen of the Choctaw Nation, was there? A No sir.
Q Did any of your Choctaw ancestors ever own any improvements in what constituted the old Choctaw Nation in the statesof Mississippi and Alabama? A I don't know.
Q Did any of your Choctaw ancestors remove from that old Nation in Mississippi to the new Nation in Indian Territory? A My father moved from over there.
Q Was your father born in Mississippi? A I think so.
Q When did your father die? A I don't know the year; about ten years ago.
Q Do you know how old he was at the time of his death? A He was born there in Mississippi. I don't know how old he was.
Q Did he remove to Indian Territory with the rest of the tribe between 1830 and 1840? A No sir.
Q Do you know the name of your father's father? A No sir.
Q Do you know the name of your father's mother? A No sir.
Q Do you remember your father? A I never saw him.
Q Do you know whether any of your Choctaw ancestors ever claimed to receive any lands from the United States under article 14 of the treaty of 1830? A I don' t know.
Q Do you know whether any of them ever went to the Indian Agent in Mississippi and signified their intention to remain and become citizens under the provisions of article 14 of the treaty of 1830? A No sir.

In accordance with the provisions of this 14th article of the treaty of 1830 the Government directed an agent in Mississippi to register the names of all Choctaw Indians who did not wish to go from the old Choctaw Nation to Indian Territory. It afterwards developed that a large number of Indians who went before the Agent were not allowed to register, and thus lost their lands. This matter wasbrought to the attention of Congress and on March 3, 1837, and August 23, 1842, acts were passed creating two commissions to hear the claims of those Indians who had been deprived of their lands on account of the failure of the Agent to properly note t their names.

Q Do you know whether any of your ancestors ever appeared before one of these commissions and claimed to have attempted to comply with the provisions of article 14 of the treaty of 1830? A I don't know.

Q Do you know whether any of your ancestors ever received any scrip from the United States, which was issued to Indians who had lost their lands and who had tried to register according to the provisions of article 14. Do you know whether any of your ancestors ever received any of this scrip? A No sir.

Q Give me the names of some of your relatives now living in the Choctaw Nation? A My closest kin is uncles. I have some cousins and sisters' and brothers' children.

Q Have you got any aunts or uncles? A I have some cousins. John, Robert and William Harrison are my cousins.

Q Give me th names of your father's sister's children? A Buster Burris is my brother's boy; he is the only boy he had. I don't know the names of the others you asked me.

Q How many brothers did you have? A I had two brothers and they are both dead.

Q What were their names. A Isaac H. and Ben BurrisHampton Burris was Ben Burris' boy.

Q Of these persons how many were recognized as citizens of the Choctaw Nation? Phebe Perry, my half-sister, and C. C. Perry, my brother in law.

Q Have you any witnesses you desire to haveheard at the present time in support of your application? A No sir.

Q Have you got any written evidence you desire to introduce at the present time in support of your application? A No sir.

You will be allowed thirty days from this day within which to present any other evidence you may have in support of your application. No extension of this time will be allowed except upon written motion ~~of~~ to the Commission shwoing good cause why you shou'd have the extension.

Q Can you speak or understand the Choctaw kanguage? A No sir. I can talk it a little.

The applicant has black hair, light brown eyes, high cheek bones, dark skin, and has every indication of possessing some Indian blood.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, states on oath that as such stenographer he reported the proweedings in the above case on March 24, 1903, and that the foregoing transcript is a true and correct translation of his stenographic notes taken in said case, to the best of his knowledgeand ability.

S. A. Apple

Subscribed and sworn to before me this April 3 1903.

Charles B. Sawyer
Notary Public.

Memo.-184.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment, as a citizen by intermarriage of the Choctaw Nation of Florence Burris.

D E C I S I O N .

It appears from the record herein that on December 4, 1905, Florence Burris appeared before the Commissioner to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

The applicant does not claim that any personal application was ever made for her enrollment as a citizen by intermarriage of the Choctaw Nation, and states that she is the wife of Samuel Sidney Burris, a recognized Choctaw by blood.

Samuel Sidney Burris, the husband of the applicant testified that he attempted on several occasions to make application for the enrollment of his wife but that the Commission to the Five Civilized Tribes refused to receive said application for the reason that he himself was not on the tribal rolls.

From the record herein it appears that on April 14, 1902 Samuel Sidney Burris appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory and gave his testimony relative to the matter of the application for the enrollment of himself and his minor child as citizens by blood of the Choctaw Nation, at which time he testified in part as follows:

"Q Are you married? A Yes sir.
Q What is your wife's name? A Florence; Florence Burris now.
Q What was her maiden name? A Hayes. H-a-y-e-s, Hayes.
Q Is she a white woman or a citizen of the Choctaw?
A Intermarried white woman, yes sir.
Q Got any children? A Yes sir.
Q How many? A One.
Q How old is it now? A It is eleven months old the 18th of this month.
Q Eleven months old the 18th of this month; what is its name?
A Hyman; Hyman Burris."

It appears from the records of said Commission that on December 28, 1901, there was filed with said Commission a certified copy of a certificate of marriage showing the marriage of the applicant to S. S. Burris, a recognized citizen by blood of the Choctaw Nation, whose rights to enrollment as such has as yet not been finally determined. It further appears that on December 28, 1901, there was filed with said Commission written application for the enrollment of Hyman H. Burris, infant son of the applicant and

Samuel S. Burris, which application is composed in part of the affidavit of the applicant to the effect that she was the lawful wife of Samuel S. Burris, who is a citizen by blood of the Choctaw Nation, and that she is the mother of said Hyman H. Burris.

I am of the opinion that the testimony above referred to, together with the certificate of marriage and the written application for the enrollment of Hyman H. Burris, filed December 28, 1901, should be treated as sufficient application for the enrollment for said Florence Burris as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and that same should now be determined on its merits, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

MAR 23 1906

7-5699
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Florence Burris as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was made for the enrollment of Florence Burris as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

It further appears from the record herein that on July 23, 1900, the applicant, Florence Burris, was lawfully married to Samuel Sydney Burris, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 16059 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior August 22, 1906; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation and that they lived together continuously as husband and wife in said nation from the date of said marriage up to and including September 25, 1902.

I am, therefore, of the opinion that Florence Burris should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,
DEC 31 1906.

7-5699

COPY.

Muskogee, Indian Territory, December 31, 1906.

Florence Burris,

Hart, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 31, 1906, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of thisnotice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Florence Burrisewill be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED [illegible]

Commissioner.

Registered.

Incl. 7-5699

7-5699

COPY.

Muskogee, Indian Territory, December 31, 1906.

J. C. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 31, 1906, rendered his decision granting the application for the enrollment of Florence Burris as a citizen by intermarriage of the Choctaw Nation.

The attorneys for Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Florence Burris will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Commissioner.

Registered.

7-5699

COPY.

Muskogee, Indian Territory, December 31, 1906.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 31, 1906, rendered his decision granting the application for the enrollment of Florence Burris as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Florence Burris will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Registered.

7-5699

COPY.

Muskogee, Indian Territory, December 31, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 31, 1906, granting the application for the enrollment of Florence Burris as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Florence Burris will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 7-5699.

COPY

MARRIAGE LICENSE.
No. 969.

UNITED STATES OF AMERICA)
INDIAN TERRITORY) ss:
SOUTHERN DISTRICT)

To any person authorized to solemnize marriage--Greeting:

You are hereby commanded

To solemnize the Rite and publish the Banns of Matrimony between Mr. S. S. Burris of Franks in the Indian Territory, aged 20 years, and Miss Florence Hays of Franks, in the Indian Territory, aged 16 years, according to law; and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 19 day of July, A. D. 1900.

Chas. M. Campbell,
Clerk of the United States Court
by J. T. Fleming, D/C

.....

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA)
INDIAN TERRITORY)ss:
SOUTHERN DISTRICT)

I, Rev. H. B. Scruggs, an elder of M. E. Church, South, do hereby certify that on the 23 day of July, A. D. 1900, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 24 day of July, A. D. 1900.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Muscogee, Book B, Page 69.

Rev. H. B. Scruggs.

.....

Endorsed on back of above license and certificate:

CERTIFICATE OF RECORD OF MARRIAGE.

UNITED STATES OF AMERICA)
INDIAN TERRITORY)sct.
SOUTHERN DISTRICT)

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of Mr. S. S. Burris and Florence Hays were filed in my office in said Territory and District the 27th day of July, A. D. 1900, and duly recorded in Book E of Marriage Record, Page 41.

Witness my hand and Seal of said Court, at Ardmore, this 27th day of July, A. D. 1900.

C. M. Campbell,
Clerk.

Filed July 27, 1900 8 A. M.
C. M. Campbell, Clerk.

COPY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE Application for Enrollment, as a citizen of the Choctaw Nation, of Hyman H. Burris, born on the 8th day of May, 1901.
Name of father: Samuel S. Burris, a citizen of the Choctaw Nation.
Name of Mother: Florence Burris, a citizen of the United States.
Postoffice, Franks, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA)
INDIAN TERRITORY)
SOUTHERN DISTRICT)

I, Florence Burris, on oath state that I am 17 years of age and a citizen, by marriage, of the Choctaw Nation; that I am the lawful wife of Samuel S. Burris, who is a citizen, by blood, of the Choctaw Nation; that a male child was born to me on the 8th day of May 1901; that said child has been named Hyman H. Burris, and is now living.

Florence Burris

Witnesses to Mark:
Must be Two(J. S. McKee
(
Witnesses (H. J. Tompkins

Subscribed and sworn to before me this 7th day of Dec 1901.

John Wells, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA)
INDIAN TERRITORY)
..... DISTRICT)

I, Francis V. Tompkins, a midwife, on oath state that I attended on Mrs. Florence Burris, wife of Samuel S. Burris, on the 8th day of May, 1901; that there was born to her on said date a male child; that said child is now living and is said to have been named Hyman H. Burris.

Fannie V. Tompkins.

Witnesses to Mark:
(J. S. McKee
Must be Two(
Witnesses(H. J. Tompkins

Subscribed and sworn to before me this 7th day of Dec 1901.

John Wells, Notary Public.

.....

Endorsed on back of above affidavit:
In Re application for Enrollment of Infant Child Hyman H. Burris as a citizen of the Choctaw Nation.
Approved Dec 28 1901
T. B. Needles, Commissioner.
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Filed Dec 28 1901
Tams Bixby, Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, Indian Territory, December 4, 1905.

In the matter of the alleged application for the enrollment of Florence Burris as a citizen by intermarriage of the Choctaw Nation.

APPEARANCES: (Applicant represented by Wirt Franklin, of Apple & Franklin.
(No appearance on behalf of the attorneys for the Choctaw and Chickasaw Nations.

No proof of service on the attorneys for the Choctaw and Chickasaw Nations of notice of the submission of this testimony was offered.

FLORENCE BURRIS, being first duly sworn, testifies as follows:

BY THE COMMISSIONER:

Q What is your name? A Florence Burris.
Q How old are you? A 21.
Q Where do you live? A I live in Chickasaw.
What is your postoffice address? A Hart, Indian Territory.
Q Are you a white woman? A Yes sir.
Q Claim to be an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband? A Samuel S. Burris.
Q When was you married to him? A July 25, 1900.
Q Where was you married? A Stonewall.
Q Who married you? A Scrugge.
Q Did you ever personally, prior to this time, make application to the Dawes Commission to be enrolled as an intermarried citizen? A No.
Q Have you ever taken any steps to secure your enrollment as an intermarried citizen? A Nothing only--my man, he did.
Q You never appeared before the Commission? A No sir.
Q You say you was married to Samuel S. Burris in July, 1900? A Yes sir.
Q Was you ever married before you was married to him? A No sir.
Q Was he ever married before he married you? A No sir.
Q What is your father's name? A Billi Hays.
Is he living? A Yes sir.
Q What is your mother's name? A Bassy Hays.
Q Is your mother living? A Yes sir.

Q How long had you been living in the Chickasaw Nation when you was married to Samuel S. Burris? A About six years, five or six.
Q Have you lived continuously with Samuel S. Burris since your marriage to him in 1900? A Yes sir.
Q You are still living with him? A Yes sir.
Q You have lived together as man and wife since the marriage in 1900? A Yes sir.

BY MR. FRANKLIN:
Q Mrs. Burris, you say you were married by a Mr. Scruggs--was he a minister of the gospel? A Yes sir.
Q Have you ever, prior to this time, filed with the Commission to the Five Civilized Tribes, the evidence of your marriage to Samuel S. Burris? A They are here; we sent them up here.
Q You say that you never made any application personally. A No sir.
Q Do you know whether or not anybody else for you ever made such application? A I think my man tried to.
Q Do you know when this was? A It was in the fall of 1903, I think.
Q How many years ago was it since he tried to make that application? A I don't know exactly.

SAMUEL S. BURRIS, being first duly sworn, testifies as follows:

BY THE COMMISSIONER:
Q What is your name? A Samuel S. Burris.
Q How old are you? A Twenty-five.
Q Where do you live? A Hart, Chickasaw Nation.
Q You are the husband of this applicant, Florence Burris? A Yes sir.
Q When was you married to her? A In 1900--July 23rd.
Q Who married you? A Scruggs.
Q Did you ever make application for the enrollment of your wife as an intermarried citizen of the Choctaw Nation? A Yes.
Q When? A At first in 1901, in person before the Commission, myself.
Q What did you do? A Well, I sent in an application for my child and I filled in the blank for my wife's citizenship as a citizen of the United States and I fixed it as an intermarried citizen afterwards.
Q When was that? A Well, it was in the fall of 1901--I don't remember the date.

BY MR. FRANKLIN:
Q Mr. Burris, did you ever make a personal application to the Commission to the Five Civilized Tribes for the enrollment of your wife, Florence Burris, as an intermarried citizen of the Choctaw Nation? A I attempted to, but they would not let me.
Q When did you attempt to make such an application? A At Ada, November 10th.
Q What year was that? A 1902.
Q How many years ago has it been? A Three.
Q Did you appear before a field party at that time and make it known to them that you desired to have your wife enrolled as an intermarried citizen? A I talked to them, but they would not listen to anything I said.
What did they say? A They would not let me present proof in my own case.
Q You stated a while ago that sometime in the fall of 1901, you

sent in an application for the enrollment of an infant child--what was this child's name? A Hyman H. Burris.

Q You stated, I believe, that when the said application was first made out you had the blank filled in for the citizenship of your wife as a citizen of the United States? A Yes sir.

Q Did you say that the Commission returned the application to you on that account? A Yes sir.

Q What did they say in their letter returning the application, if anything, in regard to the matter. A I forget what the letter said, but I fixed it over and sent it back.

Q Did you mean that at that time as an application for the enrollment of your wife? A It looks like it.

Q When did you file evidence of your marriage to Florence Burris? A That same year.

Q In 1901? A Yes sir.

Q Did you ever give any testimony before the Commission to the Five Civilized Tribes in the matter of your own enrollment. A Yes sir, I been before them since 1898--all over the Territory.

Q Every time that you did so you gave your own testimony? A Yes sir, every time they would let me--sometimes they would not hear me.

Q What did they tell you when they would not hear you? A They were without authority to hear me.

Q At any of these times that they took your testimony did they ask you if you were married? A Part of the time they did; I went before them part of the time before I was married.

Q Did you ever give your testimony after you were married? A Yes.

Q When was it, as near as you can tell? A I don't believe I ever did---I went before them and they so no, they would not hear me.

Q Just refused to hear you? A I believe that's it.

Q At this time that you appeared at Ada in the fall of 1902, you made application for the enrollment of your wife as an intermarried citizen? A That's what I wanted to do.

Q And they refused to hear you? A Yes sir.

Q What did the clerk who was taking the applications tell you? A At that time they said that--it seems like to me they would not to a ything because I was not on the roll.

Q They told you that because you were not on the tribal roll they could not do anything with your case or your wife's? A Yes sir.

Q Were you ever married before you married Florence? A No sir.

Q Was she ever married before? A No sir.

Q Where were you living at the time of that marriage? A Franks, Chickasaw Nation.

Q Have you and your wife lived together continuously as husband and wife since that marriage? A Yes sir.

I would like to request that if there is any testimony taken in the case of Mr. Burris before December 24, 1902, it be made a part of the record and also that the proof of birth of his minor child, the applicant Hyman H. Burris, be made a part of the record in this case.

BY THE COMMISSIONER:

It does not appear that the applicant has ever personally or by petition made application to the Commission to the Five Civilized Tribes for enrollment as a citizen by intermarriage of the Choctaw Nation. Her husband, Samuel S. Burris, is an applicant for enrollment as a citizenby blood of the Choctaw Nation, having originally appeared before the Commission to the Five Civilized Tribes at Atoka in August, 1899, and subsequently at Atoka, Indian Territory, on June 6, 1900, when

proceedings were had in reference to his application for enrollment as a citizen by blood of the Choctaw Nation.

December 28, 1901, there was filed with the Commission to the Five Civilized Tribes, the marriage license and certificate of Samuel S. Burris and Florence Hays, and an application for the enrollment of Hyman H. Burris as a citizen by blood of the Choctaw Nation, the child of Samuel S. Burris and Florence Burris. The witness Samuel S. Burris also testified before the Commission to the Five Civilized Tribes in reference to his right to enrollment at Muskogee, Indian Territory, on April 14, 1902, and made application for identification as a Mississippi Choctaw at Muskogee, Indian Territory, on March 24, 1903.

Copies of the proceedings of April 14, 1902 and March 24, 1903, are attached to and made a part of this record.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she correctly reported the proceedings in the above entitled cause, and the foregoing is a full true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this 5th day of December, 1905.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Samuel S. Burris for the enrollment of himself and his minor child Hyman H. Burris as citizens by blood of the Choctaw Nation.	D-572.

On the 5th day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Samuel S. Burris for the enrollment of himself and his minor child as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the following proceedings were had.

APPEARANCES:-

Samuel S. Burris, the applicant in person.

J. G. Ralls, attorney for the applicant.

Polly Ann Lamb, witness on behalf of the applicant.

A. Telle, witness on behalf of the applicant.

No appearance on behalf of the Choctaw and Chickasaw Nations.

Polly Ann Lamb, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q What is your name? A Polly Ann Lamb.
Q Polly Ann Lamb? A Yes sir.
Q What is your post office address? A Lulu Arkansas.
Q Arkansas? A Yes sir, Lula Arkansas.
Q What is your age? A Well sir, I don't exactly know my agem but about forty I think. I don't properly know my age.
Q Do you claim to be a citizen of the Choctaw Nation? A I couldn't tell you that. I married an Indian.
Q You married an Indian? A Yes sir.
Q You are not living in the Choctaw Nation are you? A No sir, I live in the state of Arkansas.

Examination by Attorney.

Q Are you acquainted with Samuel Sidney Burris? A Samuel Sidney Burris?
Q Yes. A Yes sir, that's my son.
Q When was he born, Mrs. Lamb? A He's twenty-two years old.
Q You say you were married to a Choctaw Indian? A Yes sir.
Q What was his name? A Gabriel Burris.
Q Is he living or dead? A He's dead they tell me. He died after I left him.
Q Do you remember when it was you were married to him? A Twenty-three year ago this March just past.
Q And Samuel Sidney Burris is your child by Gabriel Burris, is he? A Yes sir.
Q How much Choctaw was Gabriel Burris? A Now he told me his father was an Indian and his mother was a white woman. I don't know now whether he was joking or not.
Q Was he a recognized member of the Choctaw Nation? A Why, I couldn't tell you that. I guss he was, he lived in the Choctaw Nation; had a farm out there; raised cattle.
Q You and he separated did you? A My mother come after me to care for me in my sickness and she died and I never went back.
Q You mean your mother went for you to take care of you during your confinement? A Yes sir, and he told me to go with her.
Q How long was that before you were confined? A Why, she died in January and he was born in February.
Q I mean how long was it before you were confined that your mother came for you? A She come after me I think in October. She lived a right smart ways off.
Q Now after you were married you lived with Gabriel Burris until

October, when you went to your mother? A Yes sir.
Q Is Samuel Sidney Burris the child that was born during that confinement? A Yes sir.
Q You remained in Arkansas then did you? A Yes sir, and there yet.
Q You kept this boy with you until what time? A He was sixteen I think, wasn't it.
Q Just your best recollection? A Well, fifteen I think it was. I never pay any attention to anything like that.
Q This is the boy you have reference to sitting here in the Commission room, is it? A Yes sir, that's my son. The oldest child I have got.
Q Did Gabriel Burris own a farm in the Choctaw Nation? A Yes sir.
Q Owned other property did he? A Yes sir, owned horses, cattle and hogs.
Q What County did he live in? A Well, I think he resided in the Atoka County.
Q Whereabouts in the Choctaw Nation did he live? A Why, I couldn't tell. Close to Caddo, I think.
Q Were you married by a minister? A Yes sir.
Q What became of your marriage certificate? A Well sir, I had it in my hand one day and I went home and throwed it down and Mr. Burris says what is that? I says I don't know it's a piece of paper the preacher give me and said he give all girls a present that was married, and he picked it up and put it in the trunk and said that's valuable.
Q You don't know what became of it? A No sir, I don't.

Re-examination by the Commission.

Q Where does your son live now? A This here son?
Q Yes. A He lives in the Chickasaw Nation, I think. I don't know where he lives. He's been off from home five years.
Q Five Years? A Yes sir, going on five years.
Q You have never been to his house during that five years? A No sir, I have never been to his house.
Q He left your home then when he was about eighteen years old, is that it? A About fifteen----I think he was about sixteen year old when he left home to the best of my remembrance.

Re-examination by Attorney.

Q Have you had letters from him since he had been away? A My boy?
Q Yes. A Yes sir.

Q Where did the letters come from? A Franks post office. Chickasaw Nation, I reckon.
Q Franks post office? A Yes sir.

---Witness excused ---

----------:----------

Samuel Sidney Burris being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A Samuel Sidney Burris.
Q What is your present post office address? A Franks, I.T.
Q How old are you? A Twenty-two.
Q How long have you been living in the Chickasaw Nation? A I have been living in the Chickasaw Nation about four years, and I have lived in the Choctaw some. I come to this Country in July, 1897 and been here ever since.
Q Come to what part of this country? A To the Choctaw Country, Atoka County.
Q To Atoka County in July 1897? A Yes sir.
Q Have you lived here all the time since that? A Yes sir, only just out on trips like this. This is the second time.
Q This is the second time? A Second time I have ever been out.
Q Are you claiming as a Choctaw by blood? A Yes sir.
Q Who do you claim your Choctaw blood through? A My father.
Q What is your father's name? A Gabriel Burris.
Q Is he living or dead? A He's dead.
Q What is your mother's name? A Polly Ann Lamb now at present.
Q Polly Ann Lamb-----she has married since your father's death? A No sir, she married before his death.
Q They were separated were they? A They were separated.
Q Are you married? A Yes sir.
Q What is your wife's name? A Florence----Florence Burris now.
Q What was her maiden name? A Hayes. H-a-y-e-s, Hayes.
Q Is she a white woman or a citizen of the Choctaw? A Intermarried white woman, yes sir.
Q Got any children? A Yes sir.
Q How many? A One.
Q How old is it now? A It's eleven months old the 18th of this month.
Q Eleven months old the 18th of this month; what is it's name? A Hyman; Hyman Burris.
Q What is the name of your wife's father? A W. F. Hayes---William Hayes.
Q William F. Hayes? A Yes sir.
Q Is he living? A Yes sir.

Q Is he a citizen or a Choctaw? A He's------
Q I mean is he a white man or a Choctaw? A He's a white man.
Q What is her mother's name? A Nancy L. Bain Hayes.
Q Nancy L. Bain Hayes? A Yes sir.
Q Is she living? A Yes sir.
Q Is she a white person or a Choctaw? A She's a white person.

Examination by Attorney.

Q Mrs. Lamb that was on the witness stand a moment ago is your mother, is she? A Yes sir.
Q What relation were you ro Isaac Burris? A Half Brother.
Q Isaac is dead now is he? A Yes sir.
Q You had the same father? A Same father.
Q Was Isaac a recognized member of the Choctaw Nation? A Yes sir.
Q His father was Gabriel Burris also, was he? A Yes sir.
Q The estate of Gabriel Burris has been settled has it? A Yes sir
Q Did you get any part of the estate? A Yes, Isaac settled up with me.
Q Isaac? A Yes sir.
Q Isaac was administrator was he? A Yes sir.
Q That was settled in Atoka County, Choctaw Nation was it? A Yes-sir.
Q In the Choctaw Courts? A Yes sir.
Q Were you enrolled by the Choctaw Commissioners in 1897 or 1898, whatever time it was? A In 1898, yes sir.
Q Do you know Mr. A. Telle? A Yes sir.
Q Was he there at the time you were enrolled? A He's the one that enrolled me.
Q Your wife has not made an application to be enrolled has she? A No sir.

Q The marriage license on file issued by Chas. M. Campbell, Clerk of the United States Court for the Southern District, on the 19th day of July, 1900, names S. S. Burris of Franks In the Indian Territory, Age twenty. That's your name is it? A Yes sir, that's me.
Q And it mentions Miss Florence Hays of the same place age sixteen That is your wife, is it? A Yes sir.
Q You say since you came here in July, 1897, you have lived in the Choctaw and Chickasaw Nations except making two trips back to Arkansas? A Yes sir.
Q This last trip is when you went for your mother as a witness, is it? A Yes sir.
Q And what was the other trip? A I went back to get what was owing to me. I had been working there and hadn't got mypay. stayed about two months, I guess.
Q When you came to this country was it your intention to make it your home? A Yes sir.
Q You claim to be one-quarter Indian I believe? A Sir?
Q You claim to be a quarter Indian do you? A Yes sir.

Q Do you know whether or not the name of Isaac Burris is found on the Choctaw rolls? A You mean whether it's found on it or not?
Q Yes? A Yes sir, it's found there.
Q Is W. M. Burrie a son of Isaac Burris? A Yes sir.
Q And a cousin of yours? A He's a half uncle.

Re-examination by the Commission.

Q You have never been on any rolls of the Choctaw nation prior to your enrollment by the Choctaw Commissioners in 1898, have you? A Yes sir, I was enrolled on the Choctaw books; I reckon that's what they call it.
Q When? A 1898.
Q Well, that's what I say, you never had been enrolled on any Choctaw books as you call it, prior to 1898, had you? A No sir.
Q Who placed you on the Choctaw books in 1898? A Telle, A. Telle.
Q A. Telle? A A. Telle.
Q Was your father ever on any of the Choctaw rolls? A I reckon.
Q Well, I am asking what you know. Do you know whether he was or not? A No sir, I never did see it.
Q How long has your father been dead? A He's been dead about eight years I guess.
Q Eight years; you were never admitted by the Choctaw council, were you to citizenship? A No sir.
Q I mean the legislative body of the Choctaw Nation? A No sir.

The Counsel for the applicant asks that reference be made to the Leased District Payment Roll of 1893, Choctaw Nation, where the name of Isaac H. Burris appears on page 9, Number 95, and also to the 1896 Choctaw Census Roll, where the name of Isaac Burris appears.

Re-examination by attorney.

Q You had a guardian appointed for you in the County Court of Atoka County, Choctaw Nation, in 1897, did you, Sidney? A Yes sir.
Q Who was that Guardian? A Judge Folsom. Julius C. Folsom.

The applicant asks ten days in which to file a certified copy of the order of the Choctaw Court appointing Judge Folsom Guardian to this applicant.

A. Telle, being first duly sworn, upon his oath testifies as follows:

Examination by Attorney.

Q State your name, age and residence? A My name is A. Telle; I am forty-two years old, and live at Atoka, Indian Territory.
Q You are a practising attorney there, are you? A Yes sir.
Q A Choctaw Indian by blood? A Yes sir.
Q Did you know Gabriel Burris during his lifetime? A Yes sir, I knew him very well.
Q You know the applicant in this case do you? A Yes sir, Sidney Burris.
Q Do you know whether Gabriel Burris was a white man or an Indian? A He was a Choctaw Indian.
Q Was he recognized by the Choctaw authorities in the Choctaw Nation as such? A Yes sir.
Q Do you know whether or not he held any official position? If so what was it? A At one time, I couldn't state the time, but within my recollection he served as circuit judge of one of the circuits there in the Choctaw Nation; also acted as Commissioner in fixing up the roll of claims, as a sort of a sub-commissioner in the claims known as the "Net Proceeds Claims
Q Do you know whether or not he owned farms and improvements in the Choctaw Nation, and if so where were they located? A Why, he had farms in the lower part of the Choctaw Nation, but I don't know just where they were located, and at the time of his death he owned a good deal of property in Atoka County, and I believe a portion of it was in Tobucksy County, Choctaw Nation.
Q Do you know who the attorneys were that represented his son Isaac Burris in the administration of Gabriel Burris estate? A I don't know. I don't remember.
Q Isaac H. Burris is a son of Gabriel Burris, is he? A Yes sir, he was a son. He's dead now.
Q This same Isaac Burris that is on the leased district rolls? A Yes sir, and on the 1896 roll too.

Applicant offers in evidence affidavit made by Levi Blevins, on the 7th day of April, 1902, and asks that the same be filed in this case.

This case will now be considered by the Commission upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 15 day of April, 1902.

Notary Public.

CHOCTAW.

20 INDEXED

enc y 77

IN RE

Application for Enrollment of

INFANT CHILD

Hyman H. Burris

as a citizen of the

Choctaw Nation.

Approved DEC 28 1901 1900

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 28 1901

ACTING CHAIRMAN

CHOCTAW.

D572

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chactaw Nation,
of Hyman H. Burris (Here insert name of child.), born on the 8th day of May, 1901
Name of Father: Samuel S. Burris, a citizen of the Chactaw Nation.
Name of Mother: Flarence Burris, a citizen of the United States ~~Nation~~.
Postoffice, Franks I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Southern District. }

I, Flarence Burris, on oath state that I am 17 years of age and a citizen, by Marriage, of the Chactaw Nation; that I am ~~the~~ lawful wife of Samuel S. Burris, who is a citizen, by Blood, of the Chactaw Nation; that a Male (male or female) child was born to me on the 8th day of May, 1901; that said child has been named Hyman H. Burris, and is now living.

Flarence Burris

WITNESSES TO MARK:
(Must be Two Witnesses.) J. J. McKee
H. F. Tompkins

Subscribed and sworn to before me this 7th *day of* Dec 1901

John Wells
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
District. }

I, Francis V. Tompkins, a Mid wife, on oath state that I attended on Mrs. Flarence Burris, wife of Samuel S. Burris, on the 8th day of May, 1901; that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named Hyman H. Burris

Francis V. Tompkins

WITNESSES TO MARK:
(Must be Two Witnesses.) J. J. McKee
H. F. Tompkins

Subscribed and sworn to before me this 7th *day of* Dec 1901

John Wells
NOTARY PUBLIC.

In the County and Probate Court

of Atoka County, Choctaw Nation

I, Polly A. Lamb, do solemnly swear that I am the mother of the boy Samuel Sidney Burris. I was married to Gabriel Burris in the Choctaw Nation in the year 1879 and Gabriel Burris was a Choctaw Indian and was the Father of Isaac Burris, and his brothers and sisters. Gabriel Burris died in the yaer 18Dont Know. Since I married Mr. Burris I have married a man by the name of Lamb.

My child, Samuel Sidney Burris is now 17 years old. He was born in the year 1880.

Polly A. her Lamb
mark

Subscribed and sworn to before me this the ___ day of July 1897

Bill Lamb D.C.

Notary Public

I, Henry C. Arnold do solemnly swear that I am a brother of the above named Polly A. Lamb and that I have read her affidavit and know that the stetments therein made are true.

Henry C. his Arnold
mark

Subscribed and sworn to before me this the 4 day of ~~July~~ August 1897

Bill Lamb D.C.

Notary Public.

Gabriel Burris. 69 years
old is on Tobucksy, 1885 —
Census Roll No. 189.

Not on 93 or 96 Rolls.

Seems to have died about
93 or possibly ~~1900~~ before

(Copy)

MARRIAGE LICENSE.

No.969.

UNITED STATES OF AMERICA,:
Indian Territory, :ss.
Southern District. :

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, G R E E T I N G :

You are hereby commanded to solemnize the Rite and publish the Banns of M A T R I M O N Y between

MR. S. S. BURRIS,
of Franks, in the Indian Territory, aged 20 years
and
MISS FLORENCE HAYS,
of Franks, in the Indian Territory, aged 16 years,

according to law; and do you officially sign and return this LICENSE to the parties therein named.

Witness my hand and official Seal, this 19 day of July, A. D. 1900.

(signed) CHAS.M.CAMBELL,
Clerk of the United States Court
By J. T. Fleming, D/C

(SEAL)

CERTIFICATE OF MARRIAGE.

United States of America,:
Indian Territory, : I, Rev. H. B. Scruggs, an Elder of M.E.
Southern District. : Church, South, do hereby certify that on the 23 day of July, A.D.1900, I did duly and according to law, as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therein named. Witness my hand this 24 day of July, A.D.1900.

My credentials are recorded in the office of the Clerk of the United State Court, Indian Territory, Southern District at Muskogee, Book B page 69.

(signed) REV. H. B. SCRUGGS.

No. 969.
CERTIFICATE OF RECORD OF MARRIAGE.

United States of America,:
Indian Territory, : I, C. M. Campbell, Clerk of the United
Southern District. : States Court in the Territory and District aforesaid, do hereby certify that the license for and certificate of marriage of Mr. S. S. Burris and M Florence Hays, were filed in my office in said Territory and District the 27" day of July, A.D.1900, and duly recorded in Book E

of Marriage Record, page 41.

Witness my hand and seal of said Court at Ardmore, this 27" day of July, A. D. 1900.

(signed) C. M. Campbell,
Clerk.

(SEAL)

Filed July 27, 1900, 8 A M
C. M. Campbell, Clerk.

Copy.

Calvin, Ind. Ter., 11/21/1903.

Know all men by these present:

That this is to certify that I Edd Leader, of Calvin, Ind. Ter., Choctaw Nation, that I have known Gabel Burris ever since the old war, also knew his oldest son, Ben Burris.

I did not know Gabel Burris' Fore parents.

Gabel Burris told me that he had lovd in Miss.

Gabel Burris was a full blood Choctaw Indian.

Sworn and subscribed before me a Notary Public this 21 day of April, 1903.

his
Edd X Leader.
mark

L. T. West,
N.P.

Witness, H. B. Harrell.

(SEAL)

Endorsed as follows:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
M A Y 6 1903
TAMS BIXBY,
Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. 7382
Sidney S. Burris, et al.

On this day personally appeared before me Elizabeth Harrison, who, having been by me first duly sworn, according to law, states on her oath that she is 79 years of age, a member by blood of the Choctaw tribe of Indians; that she is a one half Choctaw by blood, and that she was born in the State of Mississippi, and that she was well and personally acquainted with a Choctaw woman known as the "Widow Burris"; that the said Widow Burris had seven children, and their names are as follows, to-wit:

Gabriel, Johnson, Cleason, Stephen, Susan, Palina, Polly. That these children were all born in the state of Mississippi, and afterwards the widow Burris and her children Gabriel, Johnson, Cleason, Stephen, Susan, Palina, Polly, removed to the Choctaw Nation; that the widow Burris was related to affiant as follows: Grand-daughter. That the said widow Burris owned the improvements upon lands in the old Choctaw Nation, in the State of Mississippi, at the time of the treaty between the United States and the Choctaw Nation, known as the "Dancing Rabbit Creek Treaty."

Affiant further states that Gabriel Burris, after coming to the Choctaw Nation, was married, and that Isaac Burris, Ben Burris, and Phoebe Burris and two others now forgotten were children of his by his first marriage. That his first wife died, and afterwards he was married to a white woman, as affiant is informed and believes,

and that the applicant, Sidney S. Burris, is a child by the white woman, and a half-brother of Isaac Burris and the other children by the first wife.

Affiant further states that the statement herein made, as to the marriage of Garbiel Burris to his second wife, and as to the applicant, Sidney S. Burris, being a child by that marriage, is based upon her information as gained from hearing the matter of the second marriage discussed.

Affiant further states that she was well acquainted with Gabriel Burris, and that he was a recognized citizen of the Choctaw Nation, and that her sons, among whom are, "William R., John M. Harrison, were also personally acquainted with Gabriel Burris, and she understands were acquainted with the petitioner, Sidney S. Burris.

Affiant further states that it is her information that the widow Burris complied with Article 14 of the Treaty of 1830, and that after coming to this country her son, Gabriel Burris and other relatives, received all or a portion of the money due for lands to which she was entitled under the provisions of that article,-- the claim having been adjudicated by the Atoka Revisory Board, and allowed and paid out of the money known as the "Net Proceed Fund."

(Signed) Elizabeth Harrison.

Subscribed and sworn to before me on this the 10th day of July, A.D. 1903.

(Signed) N. S. Farmer,
Notary Public.

(SEAL)
Endorsed as follows:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
J U L 29, 1903.
TAMS BIXBY,
Chairman.

C O P Y .

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

Samuel S. Burris, being duly sworn states on oath that he is the son of Gabriel Burris; also a half brother of Isaac Burris and of Mrs. Phoebe Perry, deceased wife of Calvin Perry. He states that Mrs. Patsy Atwood, Mrs. Francis Donaghey and Mrs. Phoebe Scott are his nieces and will so testify if necessary.

That W. H. Harrison, Robert Harrison and Hiburn Harrison are his counsins on his father's side.

(Signed) S. S. Burris.

Subscribed and sworn to before me this 1st day of April, 1905.

(Signed) J. C. Little,

Notary Public.

SEAL

My Commission expires Jan. 30, 1901.

Muskogee, Indian Territory, September 18, 1900.

Samuel S. Burris,

Franks, Indian Territory.

Dear Sir:-

Since notifying you on August 16, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised is that your name is not found on any of the Tribal Rolls.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

T-B-572

Muskogee, Indian Territory, March 7, 1902.

J. C. Walls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant in the matter of the application for enrollment as a citizen of the Choctaw Nation of Samuel Sidney Burris.

You request that the Commission grant permission for the taking of the deposition of this applicant's mother to be made a part of the record in the matter of his application for enrollment as a citizen of the Choctaw Nation.

The Commission will receive and consider such a deposition as a part of the records in this case, provided that there is proof of service of notice upon Messrs Mansfield, McMurray & Cornish, Attorneys at Law, South McAlester, Indian Territory, of the taking of such deposition at least ten days in advance of the date of the taking of the same.

The Commission has also to request that should this testimony be taken that it be forwarded to the Commission prior to April 1st, 1902.

Yours truly,

7-D-978

Acting Chairman.

Muskogee, Indian Territory, April 3, 1901.

Mr. J. G. Ralls,

Atoka, I.T.

Dear Sir:-

Receipt is hereby acknowledged of your letter of March 30, 1901, requesting an extension of time in which to take deposition of the mother of the defendant, in the case of the Choctaw Nation, vs. Samuel Sidney Burris, which you propose to take upon the 11th inst.

If as stated, proper notice has been served on the attorneys for the Choctaw Nation by you, there appears to be no reason why the request should not be granted.

Yours truly,

Acting Chairman.

7- D. 572

Choctaw D 572

Muskogee, Indian Territory, January 3, 1903.

S. S. Burris,

Hart, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 23, inclosing the affidavit of Benjamin F. Byrd which you offer in support of your application for the enrollment of yourself and your minor child as citizens by blood of the Choctaw Nation, and the same has been filed with the record in your case.

You are advised that it appears from our records that Samuel S. Burris and his minor son, Hyman H. Burris, have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to enrollment as citizens of said nation has not yet been passed upon by this Commission. As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Acting Chairman.

7-D-572.

Muskogee, Indian Territory, January 27, 1903.

S.S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th inst., enclosing the affidavit of C. Young to be filed in the matter of the application for enrollment of yourself and infant son as citizens by blood of the Choctaw Nation.

You are advised that the affidavit has been duly filed with the record in your case.

Respectfully,

Acting Chairman.

Choctaw D 572.

Muskogee, Indian Territory, February 21, 1903

S. S. Burris,

Hart, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 6, asking relative to the status of your case, and inquiring whether your child, born January 3, 1903, can be enrolled.

In reply to your letter you are advised that it appears from our records that Samuel S. Burris and his son, Hyman H. Burris have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and that their final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

You are further advised that under the provisions of the act of Congress of July 1, 1902, the Commission is without authority to enroll your child, it appearing that the said child was born January 3, 1903, subsequent to September 25, 1902, the date of the final ratification by the Choctaw and Chickasaw Nations of the act of Congress of July 1, 1902, above referred to, section twenty eight of which provides as follows:

S S B 2

"The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws."

Respectfully,

Chairman.

Choctaw D 872 -

Muskogee, Indian Territory, March 7, 1903.

Mr. Samuel Sydney Burris,

Franks, Indian Territory.

Dear Sir:

It appears from the records of this Commission that you and your minor child, Hyman H. Burris, are applicants for enrollment as citizens by blood of the Choctaw Nation, but it does not appear that you or your minor child have ever been recognized or enrolled by the Choctaw tribal authorities as a citizen of said tribe in Indian Territory; neither does it appear that either of you have ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation; nor does it appear that either of you have ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear that any application has ever been made to the Commission for the identification of yourself and child as Mississippi Choctaws. The authority vested in the Commission to determine the identity of so-called Mississippi Choctaws is contained in the provision of the act of Congress approved June 28, 1898 (30 Stat., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of eighteen hundred and thirty above referred to is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that applicants

reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two commissions authorized for that purpose by the acts of Congress approved March 3, 1837, and August 23, 1842.

The Assistant Attorney-General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.' "

It would, therefore, be necessary, in order for yourself and minor child to obtain rights as Mississippi Choctaws, under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestors

who were living at the date of the conclusion of the treaty of 1830 were beneficiaries under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants who are over twenty-one years of age, or who are married, must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their cases. Parents and guardians may apply for their children and wards.

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides:

> "The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

If it is your desire and intention to make application to this Commission for the identification of yourself and your minor child as descendants of a Choctaw Indian who complied or attempted to comply with the said fourteenth article of the treaty of 1830, under the provisions of law above quoted, it will be necessary for you to appear in person before the Commission for examination as to said rights. You will be allowed until March 25, 1903 to make such application, after which date, if no such appearance is made, the Commission will then proceed to determine the rights of yourself and child to enrollment as citizens of the Choctaw Nation on the record as now made.

Respectfully,

Registered.

Chairman.

K C R 7588.

Muskogee, Indian Territory, May 7, 1903.

S. G. Burris,

Mart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, enclosing the affidavit of Ida Leader offered in support of your application for the identification of yourself and minor child as Mississippi Choctaws. The same has been filed with the papers in your case.

In your letter you ask if J. G. Ralls has sent any proof in your case. You are advised that it does not appear from our records that J. G. Ralls has submitted any evidence in support of your claim.

Respectfully,

Chairman.

M C R 7382

Muskogee, Indian Territory, May 9, 1903.

J. G. Mills,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask that thirty days time be allowed for the purpose of introducing additional evidence in support of the Mississippi Choctaw case of Samuel Sidney Harris, et al.

In reply you are informed that you will be allowed until June 8, 1903, within which to offer further evidence in support of this case.

Respectfully,

Chairman.

M S R 7382

Muskogee, Indian Territory, July 21, 1903.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing affidavit of Mrs. Elizabeth Harrison, which you offer for filing in support of the Mississippi Choctaw case of Samuel S. Burris, et al., and the same is herewith returned for the reason that the notary public before whom said affidavit was acknowledged, failed to sign his name and attach his notarial seal thereto.

Respectfully,

Commissioner in Charge.

MoM 44

M C R 7382

Muskogee, Indian Territory, August 3, 1903.

J. C. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, inclosing affidavit of Elizabeth Harrison in support of the Mississippi Choctaw case of S. S. Burris, et al. The same has been filed with the record in said case.

Respectfully,

Commissioner in Charge.

M C R 7382

Muskogee, Indian Territory, October, 12, 1903.

S. S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 28, 1903, asking the status of your case.

In reply to your letter you are informed that it appears from our records that your application for the identification of yourself and your minor children as Mississippi Choctaws, has not yet been passed upon. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Chairman.

7-5699

Muskogee, Indian Territory, March 27, 1905.

S. S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 21, 1905, asking if you shall appear before the Commission at Ada, Indian Territory relative to the enrollment of yourself and your children and also ask how long the Commission will be considering your case.

In reply to your letter you are informed that the appointment of the Commission at Ada, Indian Territory, is for the purpose of receiving applications for the enrollment of infant children under the act of Congress approved March 3, 1905, which provides only for the enrollment of children born prior to March 4, 1905, to citizens by blood of the Choctaw and Chickasaw Nations whose enrollment had, prior to March 3, 1905, been approved by the Secretary of the Interior. You will therefore see that the Commission is without authority to enroll children born to you under the provision of the act of Congress of March 3, 1905, above referred to.

You are further advised that the Commission is passing upon applications for enrollment of citizens of the Choctaw and Chickasaw Nations as rapidly as practicable and as soon as a de-

S. S. B. #2

sision is reached in your case you will be notified of the action taken therein.

Respectfully,

Chairman.

7-5699

Muskogee, Indian Territory, April 7, 1906.

S. S. Burris,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 1, 1906, with which you enclose your affidavit in support of your application for enrollment as a citizen by blood of the Choctaw Nation and the same has been filed with the record in this case.

Respectfully,

Commissioner in Charge.

7-6898

Muskogee, Indian Territory, July 12, 1905.

S. S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 20, 1905, asking if necessary affidavits have been forwarded in your case by your attorneys J. G. Ralls of Curry & King.

In reply to your letter you are advised that it appears that your affidavit has been filed in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, and if further evidence is necessary to enable this office to determine your right to enrollment as such citizen you will be duly notified.

You will be advised when a decision is reached in this case.

Respectfully,

Commissioner.

7-5699

Muskogee, Indian Territory, September 13, 1905.

Samuel S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 1st, in reference to your enrollment as a citizen by blood of the Choctaw Nation.

No decision has as yet been rendered by the Commissioner in this case, but the same is now receiving consideration and it is probable that some disposition will be made thereof in the near future.

Considerable evidence in the form of affidavits and the testimony of witnesses has been introduced in this case. The fact is established that you are the son of Gabriel Burris, a Choctaw Indian, by a white woman, Polly A. Lamb. It appears, however, that your mother had separated from Gabriel Burris prior to your birth and that you were born in the State of Arkansas in the year 1880.

This office has been unable to identify your name upon any of the tribal rolls of the Choctaw Nation prepared subsequent to the date of your birth.

It does not appear that any further evidence is required

in the case as the question to be determined is purely one of law.

Respectfully,

Acting Commissioner.

7-5699

Muskogee, Indian Territory, January 2, 1906.

S. S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 25, 1905, asking the status of your application for enrollment and requesting to be advised if land may be reserved for you pending the decision in your case.

In reply to your letter you are advised that the application for the enrollment of yourself and your son Hyman H. Burris is now receiving consideration and you will be advised as soon as a decision is reached in this case.

You are further advised that no reservation of land can be made for you and your son pending a determination of your application for enrollment, but if another person has filed on land on which you have improvements which you desire to select in allotment for yourself and your son, you will be allowed to make application therefor for the purpose of instituting contest upon your appearance at the land office for the nation in which the land is located.

Respectfully,

Commissioner.

7-5609

Muskogee, Indian Territory, January 19, 1906.

Apple & Franklin,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 11, 1906, asking that an early decision be rendered in the matter of the application of Samuel S. Burris for the enrollment of himself and his son Hyman H. Burris as citizens of the Choctaw Nation.

In reply to your letter you are advised that this case is now receiving consideration and as soon as a decision is reached therein you will be notified of the action taken.

Respectfully,

Commissioner.

7-5699

Muskogee, Indian Territory, February 7, 1906.

S. S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 1, 1906, in which you ask the status of the application for the enrollment of yourself and your son.

In reply to your letter you are advised that the application for the enrollment of yourself and your son Hyman H. Burris has not yet been determined but the same is now receiving consideration and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

9-5699

Muskogee, Indian Territory, March 9, 1906.

Apple & Franklin,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 5, 1906, requesting an early decision in the matter of the application of Samuel S. Burris et al., for enrollment as citizens of the Choctaw Nation.

In reply to your letter you are advised that the application for the enrollment of Samuel S. Burris and his son Hyman H. Burris is still receiving consideration and a decision will be reached at the earliest practicable date.

You are further advised that it does not appear from the records of this office that application has been made for the enrollment of Florence Burris, wife of Samuel S. Burris, as an intermarried citizen of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-5699

Muskogee, Indian Territory, March 23, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

There is inclosed herewith name and information this day placed at No. 3, Florence Burris, on Choctaw roll card No. 5699 Samuel S. Burris et al.

You are directed to make duplicate Choctaw roll card of same number in your possession conform to the information thereon and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

EB 4-23.

Acting Commissioner.

7-5699

Muskogee, Indian Territory, March 23, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

There is inclosed herewith name and information this day placed at No. 3, Florence Burris, on Choctaw roll card No. 5699 Samuel S. Burris et al.

You are directed to make duplicate Choctaw roll card of same number in your possession conform to the information thereon and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-8699

Muskogee, Indian Territory, May 10, 1906.

Apple & Franklin,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 8, 1906, transmitting the affidavits of Florence Burris and Roxie A. Moody, to the birth of Samuel Sidney Burris, son of Samuel Sidney and Florence Burris, March 6, 1906.

You are advised that the Act of Congress approved April 26, 1906, provides for the enrollment of only those minor children of citizens of the Choctaw and Chickasaw Nations, who were living on March 4, 1906. You will therefore see there is no authority for the enrollment of above named child.

Respectfully,

Acting Commissioner.

7-5699

Muskogee, Indian Territory, May 15, 1906.

S. S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 9, 1906, asking if the application for the enrollment of your children Buster Burris, Lefes Burris and Samuel Sidney Burris have been received; you also ask relative to the enrollment of your wife Florence Burris.

In reply to your letter you are advised that the affidavits to the birth of your children Buster, Lefes and Samuel Sidney Burris have been received at this office and filed as applications for the enrollment of said children.

You are further advised that on March 23, 1906, the Commissioner to the Five Civilized Tribes entered an order holding that application was made for the enrollment of your wife Florence Burris within the time provided by the act of Congress approved July 1, 1902, and her application will now be considered upon its merits. You will be notified of such action as is taken therein.

Respectfully,

Acting Commissioner.

7-5699

Muskogee, Indian Territory, June 7, 1906.

S. S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28, 1906, in which you ask the status of your case and inquire if you will be permitted to draw annuity money.

In reply to your letter you are advised that the application for the enrollment of yourself and your wife Florence Burris and your son Hyman H. Burris as citizens of the Chootaw Nation is still receiving consideration and you will be notified of such action as is taken therein.

The payment of moneys to citizens of the Chootaw and Chickasaw Nations is a matter which is within the jurisdiction of the United States Indian Agent and for information relative thereto you should address him at Muskogee, Indian Territory.

Respectfully,

Commissioner.

7-5699

Muskogee, Indian Territory, June 26, 1906.

Samuel Sidney Burris,

Hart, Indian Territory.

Dear Sir:

Your letter of June 10, 1906, addressed to the Commissioner of Indian Affairs has been by him referred to this office for appropriate disposition. Therein you refer to your right to enrollment as a citizen by blood of the Choctaw Nation and state that your claim has been pending before the Commission to the Five Civilized Tribes since 1898; you therefore ask early disposition thereof; you also inquire if a child born in 1906 can be enrolled.

In reply to your letter you are advised that it appears from the records of this office that application has been made for your enrollment and the enrollment of your son Hyman H. Burris as citizens by blood of the Choctaw Nation and for the enrollment of your wife Florence Burris as an intermarried citizen of said nation. In this connection your attention is invited to the following provision of the act of Congress approved June 21, 1906:

> "That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of the following persons to the final roll of the citizens by blood of the Choctaw tribe: Malinda Pickens, Morris Battiest, and Samuel Sydney Burris;.....whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls: Provided, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior.

S. S. W. #2

You are also advised that it appears from the records of this office that application has already been made under the act of Congress approved April 26, 1906, for the enrollment of your children Buster, Lefes and Samuel Sidney Burris born January 3, 1903, September 26, 1904 and March 6, 1906 respectively.

You are advised, however, that under the act of April 26, 1906, above referred to only those children of citizens of the Choctaw and Chickasaw Nations who were living March 4, 1906, are entitled to enrollment.

Respectfully,

Commissioner.

7.5699

Muskogee, Indian Territory, July 10, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Your attention is invited to the following provision of the Act of Congress approved June 21, 1906 (Public No. 258):

"That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of the following persons to the final roll of the citizens by blood of the Choctaw tribe; Samuel Sydney Burris. . . . . .Provided, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior."

You will be allowed fifteen days from the date of this notice within which to protest to the enrollment of Samuel Sydney Burris as a citizen by blood of the Choctaw Nation. If at the expiration of that time no protest has been filed, the name of this person will be placed upon a schedule of citizens by blood of the Choctaw Nation to be prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner.

7-5699

Muskogee, Indian Territory, July 24, 1906.

S. S. Burris,

Hart, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 7, 1906, asking when your application for enrollment as a citizen by blood of the Choctaw Nation will be considered.

In reply you are advised that on July 10, 1906, a letter was addressed to Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations, inviting their attention to the provision of the Act of Congress approved June 21, 1906, providing for the enrollment of Samuel Sidney Burris, et al., and allowing them fifteen days from the date of said notice in which to protest to the enrollment of Samuel Sidney Burris as a citizen by blood of the Choctaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon a schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner.

7-5699

Muskogee, Indian Territory, July 28, 1906.

Ralls Brothers,

Attorneys at Law,

Atoka, Indian Territory.

Dear Sirs:-

Receipt is hereby acknowledged of your letter of July 24, 1906, asking that action be taken as early as practicable to enroll Samuel Sidney Burris under the Act of Congress approved June 21, 1906.

In reply you are advised that on July 10, 1906, notice was addressed to the attorneys for the Choctaw and Chickasaw Nations allowing them fifteen days from that date in which to protest to the enrollment of Samuel Sydney Burris as a citizen by blood of the Choctaw Nation. No protest having been filed by said attorneys the name of Samuel Sydney Burris has been placed upon a schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner.

7-5699

Muskogee, Indian Territory, September 26, 1906

S. S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, 1906, asking what has been done with the application for the enrollment of your wife Florence Burris and your children Buster and Lefes Burris.

In reply to your letter you are advised that the application for the enrollment of your wife Florence Burris as an intermarried citizen of the C octaw Nation will receive consideration and a decision will be rendered therein as early as practicable. You will be notified of the action taken.

Relative to the enrollment of your children Buster and Lefes Burris, you are advised that in the event additional evidence is necessary to enable this office to det rmine the right to enrollment of these children you will be duly notified.

Respectfully,

Commissioner.

7-5699

Muskogee, Indian Territory, November 27, 1906.

Florence Burris,

Hart, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 12, 1906, asking if your case has been decided by the Secretary of the Interior.

In reply to your letter you are advised that your application for enrollment as an intermarried citizen of the Choctaw Nation is now receiving consideration and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

7-5699 & 2337

Muskogee, Indian Territory, December 27, 1906.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 19, asking early action upon the application for the enrollment of Florence Burris as an intermarried citizen of the Choctaw Nation and also upon the applications of Buster and Lefes Burris, children of Samuel Sidney Burris and Florence Burris.

In reply you are advised that the application for the enrollment of Florence Burris as an intermarried citizen of the Choctaw Nation will receive consideration as early as practicable and you will be duly advised.

The names of Buster and Lefes Burris have been placed upon a schedule of minor citizens of the Choctaw Nation, under the Act of Congress approved April 26, 1906, which has been forwarded the Secretary of the Interior, and the parties in interest will be advised when their enrollment is approved by the Department.

Respectfully,

Acting Commissioner.

7-5699

Muskogee, Indian Territory, March 15, 1905.

S. S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 9, 1905, relative to your enrollment as a citizen of the Choctaw Nation and asking for blanks for the enrollment of two children born since December 25, 1902.

In reply to your letter you are informed that the Commission is now considering your application for the enrollment of yourself and your son Hyman H. Burris as citizens by blood of the Choctaw Nation and when a decision is reached in this case you will be notified of the action taken therein.

Relative to your request for blanks for the enrollment of your two children born since September 25, 1902, you are advised that under the provisions of the act of Congress approved March 3, 1905, the Commission is only authorized to receive the applications for enrollment of children born prior to March 4, 1905, to citizens of the Choctaw and Chickasaw Nations whose enrollment had prior to that date been approved by the Secretary of the Interior. It is therefore impracticable to comply with your request for blanks for the enrollment of your children.

Respectfully,

Chairman.

Choctaw 5699

Muskogee, Indian Territory, May 11, 1904.

S. S. Burris,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 4, in which you state that on March 24, 1903, you made application for identification as a Mississippi Choctaw, but you now desire to have your application transferred to an application for enrollment as a citizen by blood of the Choctaw Nation, as the same was originally made by you. You also ask for a blank for the enrollment of an infant child, born January 3, 1903.

In reply to your letter you are informed that you and your son, Hyman H. Burris, have been listed for enrollment as citizens by blood of the Choctaw Nation, but your names have not yet been placed upon a schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

In compliance with your request, there is enclosed you herewith a blank for the proof of birth of infant children?

Respectfully,

Chairman.

B C

Choctaw 5700

James D. Ashford

5700

Transferred from Choc #D120 11-18-03

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

LIZZIE ASHFORD.

7-5700.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 3, 1902.

James D. Ashford, et al.,	
vs.	D-120.
The Choctaw Nation.	

In the matter of the application of James D. Ashford for the enrollment of himself and his two minor children, Bertie M. Ashford and Florence Lela Ashford, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Lizzie Ashford, as a citizen by intermarriage of the Choctaw Nation.

On the 26th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail, that the application of James D. Ashford for the enrollment of himself, his wife and his children as citizens of the Choctaw Nation, would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902, for final consideration.

Now on this 3rd day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicants, being called, failed to appear either in person or by attorney.

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Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said daynof April, 1902.

Subscribed and sworn to before me this 4 day of April, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
November 18, 1903.

Choctaw D 120 --------:--------

In the matter of the application for the enrollment of James D. Ashford and his minor children, Bertie M. and Florence Lela Ashford, as citizens by blood, and for the enrollment of his wife, Lizzie Ashford, as a citizen by intermarriage, of the Choctaw Nation.

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Lizzie Ashford, being first duly sworn, on her oath, testified as follows:

Examination by the Commission.

Q What is your name? A Lizzie Ashford.
Q Isn't your name Daisy? A No, sir.
Q What is your post-office address? A Well, qur last post-office address was Lukfata.
Q Where do you get your mail? A Bokchito.
Q What Nation is that in? A Choctaw.
Q How long have you lived in the Choctaw Nation? A Lived there about six years -- this last September -- twenty-second day of September six year ago.
Q You have lived in the Choctaw Nation since September, 1897? A Yes, sir.
Q What is your father'sname? A Taylor Jacobs.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Mollie Jacobs.
Q Both white people? A Yes, sir.
Q Citizens of the United States? A Yes, sir.
Q Did either of them claim any rights at all as Indians by blood? A No, sir. My mother claimed to be some Cherokee. Her father was some Cherokee, she said; she said her father claimed to be some Cherokee.
Q But her rights were never determined? A No, sir.
Q Her rights were never allowed? A No, sir.
Q You claim no rights at all as an Indian by blood, do you? A No, sir, none at all.
Q Do you claim rights in the Choctaw Nation? A Well, I couldn't hardly tell you.
Q You claim by intermarriage? A Yes, sir.
Q Whatever right you claim is through your husband? A Yes, sir.
Q Through your marriage to James Drew Ashford? A Yes, sir.
Q When were you married to him? A I was married October 21, 1898.
Q Where were you married? A Antlers.
Q In what Nation? A Choctaw Nation.

Q Where was your husband living at that time? A Doaksville
Q That in the Choctaw Nation? A Yes, sir.
Q Were both you and he residents in good faith of the Choctaw Nation at the time of the marriage? A Yes, sir.
Q Were you married before you were married to James D. Ashford? A No, sir.
Q Was he married before he was married to you? A No, sir.
Q Since you were married to James D. Ashford, where have you and he lived? A We have lived in the Choctaw Nation.
Q Have not lived anywhere else, have you? A No, sir.
Q Since your marriage have you made your home anywhere else than in the Choctaw Nation? A No, sir, only in the Choctaw Nation.
Q Never made your home anywhere else at all? A No, sir.
Q Has there been any separation, abandonment or divorce? A No, sir.

The name of James D. Ashford appears upon the 1896 Choctaw Census roll, Towson County, number 233. James D. Ashford, Lizzie Ashford, Bertie M. Ashford and Florence Lela Ashford are listed for enrollment upon Choctaw D 120.

Q Have you any children? A Yes, sir, have three.
Q What are their names? A Bertie May, Florence Lela and James Harvey.
Q When was James Harvey born? A December 5, 1902.
Q Both of the others are girls? A Yes, sir.
Q You married under United States law? A Yes, sir.
Q Married by the deputy clerk of the United States Court, Central District? A Yes, sir.
Q This Drew Ashford, mentioned in this marriage certificate, is your husband, James Drew Ashford? A Yes, sir.
Q This marriage license gives the name of the person to whom Drew Ashford was married as Daisy Jacobs. Have you got any explanation to offer as that -- as to why your name appears here as Daisy? A Well, it was just a misunderstanding of the clerk when I told him my name. I spoke to him and he just let it go.
Q Did you notice at the time that the name was Daisy Jacobs? A Yes, sir.
Q And you drew his attention to it at the time? A Yes, sir.
Q What did he say? A He just let it go -- never said anything.
Q You asked him at that time to change it, did you? A Yes, sir.
Q Your father was never enrolled, was he? A No, sir.

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James D. Ashford, being duly sworn, on his oath, testified as follows:

Examination by the Commission.

Q Your name is what? A James Drew Ashford.
Q You are a Choctaw by blood? A Yes, sir.
Q How much Choctaw blood, do you claim? A One-fourth.
Q Your father was a non-citizen, was he? A Yes, sir.
Q Your mother's name was what? A Virginia Airington, before she was married.
Q That was her maiden name? A Yes, sir.
Q Was Ashford her only husband? A Yes, sir.

Choctaw D 120

James D. Ashford, et al. 3

Q What names have you been known by? A None except James Drew Ashford -- might be that it was just by Drew Ashford. They called me Drew.
Q Your full name is James Drew Ashford? A Yes, sir. They have never called me James; I have gone by the name of Drew.
Q You applied in 1899, did you? A Yes, sir, I believe it was.
Q You applied at Alikchi, didn't you? A Yes, sir.
Q Then you applied for yourself and your wife, Lizzie? A Yes, sir.
Q This marriage license between Drew Ashford and Daisy Jacobs is yourself and Daisy Jacobs, your wife, Lizzie? A Yes, sir, I am positive of that.
Q Is she the only wife you ever had? A Yes, sir.
Q Are you the only husband she ever had? A Yes, sir.
Q Where were you living at the time of your marriage to Lizzie Jacobs? A In the Choctaw Nation.
Q You have two children, listed for enrollment, Bertie M. and Florence Lela? A Yes, sir.
Q Are they your children by your wife, Lizzie? A Yes, sir.
Q Were they both living on September 25, 1902? A Yes, sir, got them right in here with me.
Q How old are you now? A Twenty-five years old this twenty-seventh day of last April.

The name of the applicant, James D. Ashford, is identified upon the 1893 Choctaw Leased District Payment Roll, Towson County, number 19.

Q Did you draw the Leased District money in 1893? A Yes, sir.
Q Have your rights ever been disputed as a Choctaw Indian? A No, sir, never have.
Q Were you a resident in good faith of the Choctaw Nation on June 28, 1898? A Yes, sir.
Q Have you and your wife lived together continuously as husband and wife in the Choctaw Nation from the date of your marriage in October, 1898, up to and including September 25, 1902? A Yes, sir.
Q What is your sister's name? A Clara L. McCollum.
Q She is on the final roll and approved by the Secretary of the Interior? A Yes, sir.
Q Has taken her allotment? A Yes, sir, she has filed on a part of it in the Chickasaw Nation.
Q Have you any other brothers and sisters? A No, sir.
Q You and your sister are the only ones in the family? A Yes, sir, my other sister died before she got her rights.
Q What was her name? A Nancy I. Meggs; that was her married name.
Q When did she die? A She died the 28th of October three years ago, I reckon, if I am not mistaken. Her children have taken their allotments. Their names are Jesse and Elijah.

Her husband's name is William R. Meggs, on Choctaw card, field number 5354.

Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above case on November 18, 1903, and that the above is a full, true and correct transcript of his stenographic notes taken in said case.

Wirt Franklin

Subscribed and sworn to before me this 18th day of November, 1903.

Charles N. Haskell Notary Public.

1898

[redacted]

CERTIFICATE OF RECORD OF MARRIAGES

UNITED STATES OF AMERICA
THE INDIAN TERRITORY
CENTRAL DISTRICT } SCT.

I, E. J FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid, DO HEREBY CERTIFY that the License for and Certificate of the Marriage of

Mr. Drew Ashford — and

Miss Daisy Jacobs —

were filed in my office in said Territory and District the 21st day of October A. D. 1898 and duly recorded in Book 1 of Marriage Record, Page 67.

WITNESS my hand and seal of said Court, at Antlers — this 21st day of October A. D. 1898

E. J. FANNIN, Clerk.

By Thos. D. Fortham Deputy.

MARRIAGE LICENSE

[redacted]

UNITED STATES OF AMERICA
THE INDIAN TERRITORY
CENTRAL DISTRICT } SS.

To Any Person Authorized by Law to Solemnize Marriage---GREETING:

You are hereby commanded to solemnize the Rite and publish the Bans of Matrimony between Mr. Drew Ashford of Doaksville — in the Indian Territory, aged 21 years, and Miss Daisy Jacks of Doaksville — in the Indian Territory, aged 21 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS *My hand and official seal, this 21 day of Oct. A. D. 1895*

E. J. Harrison
Clerk of the U. S. Court

Thos. B. Latham
Deputy

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA
INDIAN TERRITORY
CENTRAL DIST. } SS.

I, Thomas B. Latham
a Deputy Clerk U.S. Court Cent. Dist. Ind. Ter.

DO HEREBY CERTIFY That on the 21 day of October A. D. 1895

I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bans of **MATRIMONY** *between the parties therein named.*

Witness my hand this 21 day of October A. D. 1895

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book — Page —

Thos. B. Latham
a Deputy Clk. U.S. Court Cent. Dist. I.T.

[redacted]

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

F. R. B.
D611

7-5700.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lizzie Ashford as an intermarried citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record in this case that, on October 21, 1898, the applicant, Lizzie Ashford (nee Jacobs), was lawfully married to James D. Ashford, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15066 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on February 16, 1904; that at the time of said marriage both parties above mentioned were residents in good faith of the Choctaw Nation; and that the applicant herein and the said James D. Ashford lived together continuously as husband and wife, in said Nation, from the date of their marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Lizzie Ashford should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Muskogee, Indian Territory,

JAN 14 1905

Commissioner.

COPY. Choctaw 5700

Muskogee, Indian Territory, January 14, 1905.

Lizzie Ashford,

Coalgate, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 14, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SKINNER)

Tams Bixby

Chairman.

Registered.

Incl. 7-5700.

Choctaw 5700

COPY.

Muskogee, Indian Territory, January 14, 1905.

F. E. Wilhelm,

Attorney at Law,

Coalgate, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 14, 1905, rendered its decision granting the application for the enrollment of Lizzie Ashford as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[redacted]

Tams Bixby

Registered.

Chairman.

Choctaw 5700

COPY.

Muskogee, Indian Territory, January 14, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 14, 1905, granting the application for the enrollment of Lizzie Ashford as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-5700.

Commission to the Five Civilized Tribes,

Alikchi, Indian Territory.

In the matter of the enrollment of James D. Ashford, as a Choctaw Indian by blood. Being sworn by Commissioner McKennon, he testifies as follows:

Q What is your age? A I am 21.

Q What is your father's name? A Thomas Green Ashford.

Q What was your mother's name? A Virginia.

Q Was your father a white man? A Yxxx Yes sir.

Q What degree of Choctaw blood, if any, did your mother have?

A Half-breed.

Q Did you know her mother?

A No sir, her mother was dead before I was born; I never saw her.

Q Did you know your grand-father? A No sir, I have never seen him; I think he died about four or five years ago though, but I never saw him.

Q Do you know what his name was? A His name was Drew Arrington

Q Was he a white man? A No sir, he was part Choctaw I think.

Q That's your information? A Yes sir.

Q What was your father's brothers' names? A He had one named John, one Jim and one Dan.

Q Where are they now?

A There aint but one of them living, the one they call John. He is up here at Dokesville.

Q Your mother living or dead? A Dead.

Q Your father living? A Yes sir.

Q Where is he? A At Dokesville; that is where he lives.

Q Do you know whether you have been on the rolls all your life or not?

A Yes sir, I have been on, as well as I know anything of it; they

put me down two or three times,- on the last that I know of.

Nancy I. Meggs, being sworn by Commissioner McKennon, testifies:

Q Your name is Nancy I. Meggs? A Yes sir, Nancy Idella.
Q What is your age? A Twenty-three.
Q You are a sister of this yound man? A Yes sir.
Q Your father's name was what? A Thomas Ashford.
Q And your mother? A Virginia Ashford.
Q Was your father a white man? A Yes sir.
Q And your mother ? A Choctaw half-breed.
Q Did you ever see your grand-mother? A No sir,, I don't remember seeing her.
Q Your mother's mother? A Yes sir.
Q Did you ever see your grandfather? A No sir, not that I know of.
Q Are you related to Jack Arrington, living in the Chickasaw Nation, do you know any of your relatives named Jack Arrigton?
A Not that I remember of. I had an uncle named William Arrington

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 8th, 1900.

Choctaw Nation

vs. No. D. 120.

James D. Ashford

In the matter of the application of James D. Ashford for enrollment as a citizen of the Choctaw Nation by blood.

William Meggs, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A William Meggs.
Q State your age? A Forty-three.
Q Are you acquainted with James Drew Ashford? A Yes, sir.
Q What relation is he to your wife? A Own brother.
Q He is still living is he? A Yes, sir.
Q He is a Choctaw Indian, is he? A Yes, sir.
Q He is the same person testified to by the witnesses here yesterday as Drew Ashford? A Yes, sir.
Q His correct name is James Drew Ashford? A Yes, sir.
Q Where does he live now? A. Right about ten miles above the mouth of Blue in the Choctaw Nation, on Red River.
Q How old is he? A I think he is about twenty or twenty-two.

Witness excused.

----o----

William S. Wellshear, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in this caseahd at the time and place abovementioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Wm. S. Wellshear.

Subscribed and sworn to before me this 10th day of December A. D. 1900.

Acting Chairman.

CHOCTAW. 7820 Jon.

20

IN RE

Application for Enrollment of

INFANT CHILD

Florence Lela Ashford

as a citizen of

Choctaw Nation.

Approved, APR 6 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 6 1901

ACTING CHAIRMAN.

CHOCTAW.
7-2012

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation, of Florence Lela Ashford (Here insert name of child), born on the 6th day of Dec, 1900

Name of Father: Jas. D. Ashford, a citizen of the Choctaw Nation.

Name of Mother: Lizzie Ashford, a citizen of the Choctaw Nation.

Post-office, Albany Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... District.

I, Lizzie Ashford, on oath state that I am 25 years of age and a citizen, by marriage, of the Choctaw Nation; that I am the lawful wife of Jas. D Ashford, who is a citizen, by Birth, of the Choctaw Nation, that a Female (male or female) child was born to me on the 6th day of December 1900 that said child has been named Florence Lela Ashford, and is now living.

Lizzie Ashford

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 30th *day of* March *1901.*

J M Reasor NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Florence Ashford, a Midwife, on oath state that I attended on Mrs. Lizzie Ashford, wife of Jas D Ashford, on the 6th day of December, 1900 that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Florence Lela Ashford.

florence Ashford

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 30 *day of* Mar *1901.*

J. M Reasor NOTARY PUBLIC.

98

IN RE

Application for Enrollment of

INFANT CHILD.

Bertie M. Ashford.

As a citizen of the

Choctaw Nation.

Approved April 7 1900

Commissioner.

FILED
APR 6 1900
COMMISSION TO FIVE TRIBES.

9-15067

Choc.
D. 120.

7-5700

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chactaw Nation,
of Bertell, Ashford, born on the 4th day of August, 1899.
Name of father: Drew Ashford, a citizen of the Chactaw Nation.
Name of mother: Lizzie Ashford, a citizen of the Chactaw Nation.
Post Office: Hooksville, Ind Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Lizzie Ashford, on oath, state that I am 22 years of age and a citizen, by Marriage, of the Chactaw Nation; that I am the lawful wife of Drew Ashford who is a citizen, by Blood, of the Chactaw Nation; that a child was born to me on the 4th day of Aug., 1899; that said child has been named Bertie M. Ashford, and is now living.

Lizzie Ashford

Subscribed and sworn to before me this 2 day of September, 1899.

R. F. Carter

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Mary Grass, a Midwife, on oath, state that I attended on Mrs. Lizzie Ashford, wife of Drew Ashford on the 4th day of Aug., 1899; that there was born to her on said date a Girl child; that said child is now living and is said to have been named Bertie M. Ashford.

Mary Grass.

Subscribed and sworn to before me this 2 day of September, 1899.

R. F. Carter

Notary Public.

Blank 731.

CHOCTAW ROLL, CITIZENS BY BLOOD.

Number.	Name.	Age.	Sex.	Blood.	Card No.
15066	Ashford, James D.	24	M	1/4	5700

DEPARTMENT OF THE INTERIOR Blank 734

United States Indian Service

Five Civilized Tribes

Muskogee, Oklahoma.

This is to certify that I am the officer having the custody of the records pertaining to the enrollment of the members of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes of Indians, and the disposition of the lands of said tribes, and that the following papers, attached hereto, are true and correct copies of that portion of the enrollment record on file in this office in connection with the application of James D. Ashford, Roll No. 15066, for enrollment as a Citizen of the Choctaw Nation, so far as same relates to the age of said citizen.

Choctaw Census Card No. 5700; Card D-130+ Testimony, undated; Approved Roll as to No. 15066.

GABE E. PARKER, Superintendent

BY [signature] CLERK

IN CHARGE Choctaw RECORDS

DATE May 15, 1919.

HHB

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-120.

Muskogee, Indian Territory, February 26, 1902.

James D. Ashford,

Doaksville, Indian Territory.

You are hereby notified that your application for the enrollment of your wife, Daisy Elizabeth Ashford, as a citizen of the Choctaw Nation, will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting the right of your wife, Daisy Elizabeth Ashford, to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Register.

Commissioner in Charge.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

4

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,
August, 18th 1900,

James D. Ashford,
Doaksville, Indian Territory,

Dear Sir,-

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish has filed with this Commission a notice of protest to your enrollment and to the enrollment of Lizzie and Bertie M. Ashford as citizens of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold a se sion at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony in support of this case, and also written arguments will be received by the Commission from both parties, and this hearing will be final.

Yours truly,

Tams Bixby
Acting Chairman.

3

7-D-120.

Muskogee, Indian Territory,
August, 18th 1900,

James D. Ashford,
Doaksville, Indian Territory,

Dear Sir,-

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish has filed with this Commission a notice of protest to your enrollment and to the enrollment of Lizzie and Bertie M. Ashford as citizens of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony in support of this case, and also written arguments will be received by the Commission from both parties, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-120.

Muskogee, Indian Territory, April 6, 1901.

Mr. James D. Ashford,

Albany, Indian Territory.

Dear Sir:-

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Florence Lela Ashford, infant daughter of James D. and Lizzie Ashford, born December 6, 1900 and the same being in proper form has been duly filed with the records of this Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7- D 120.

Muskogee, Indian Territory, July 3, 1901.

Mr James D. Ashford,

Albany, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ult., requesting to be advised whether or not the names of your wife and children are listed with you for enrollment as citizens of the Choctaw Nation.

You are informed that the records of the Commission show that the names of James D. Ashford and his wife Lizzie and the names of his two minor children Bertie M. and Florence Lola Ashford appear thereon as doubtful claimants to citizenship in the Choctaw Nation.

Yours truly,

Commissioner in charge.

7-D-129.

7-D-120

Muskogee, Indian Territory, December 23, 1902.

J. D. Ashford,

Albany, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 2, in which you state that your wife's health will not permit you to appear before the Commission at one of its appointments in the Choctaw Nation and you ask what you should do in the matter.

In reply to your letter you are advised that it appears from our records that James D. Ashford and his minor children, Bertie M. and Florence Lela Ashford, have been listed as doubtful claimants to enrollment in the Choctaw Nation and that his wife, Lizzie Ashford, has been listed among the doubtful claimants to enrollment as an intermarried citizen of said nation.

You are further advised that the Commission is now preparing rolls of citizens and freedmen of the Choctaw and Chickasaw Nations, for submission to the Secretary of the Interior, in accordance with the provisions of the act of Congress approved July 1,1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, and it is necessary to secure the testimony of all intermarried citizens of said nations relative to their status as such intermarried citizens on said date.

You are informed that while it is not absolutely necessary

70120

J.D.A.-S

that such personal appearance be made prior to December 26, 1902, it is desirable that her testimony be secured at the earliest possible date, as no further consideration can be given her application for enrollment as an intermarried citizen of the Choctaw Nation until her testimony has been taken therein.

Respectfully,

Acting Chairman.

Choctaw D-120

Muskogee, Indian Territory, February 26, 1903.

James D. Ashford,

Albany, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, requesting information relative to the status of your application for enrollment as a citizen of the Choctaw Nation and whether any more proof is necessary in your case.

In reply you are advised that it appears from the records of the Commission that James D. Ashford, his wife, Lizzie Ashford, and their two minor children, Bertie M. and Florence Lela Ashford, are listed for enrollment as citizens of the Choctaw Nation, yourself and your two children as citizens by blood and your wife as a citizen by intermarriage.

The Commission has sufficient evidence upon which to determine the rights of yourself and your two children as citizens by blood of the Choctaw Nation but it will be necessary before the right of your wife to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that she appear before the Commission and testify as to her status on September 25, 1902. For the purpose of hearing such testimony the Commission has made an appointment at

Ateka, Indian Territory, March 10 to 13, 1903, and she should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of her right to enrollment until this testimony is received.

Respectfully,

Chairman.

7-D 120

Muskogee, Indian Territory, October 28, 1903.

James D. Ashford,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 22, in which you ask the status of your enrollment.

In reply to your letter you are informed that it appears from our records that the Commission has not yet passed upon the application of James D. Ashford for the enrollment of himself and his children, Bertie M. and Florence Lela Ashford, as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Lizzie Ashford, as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken.

Respectfully,

Commissioner in Charge.

Choctaw D 120

Muskogee, Indian Territory, October 31, 1903.

James D. Ashford,

Lukfata, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 26, asking that your name be forwarded at once to Atoka, and that you be notified of such action at your present post office address, Lukfata, Indian territory.

In reply to your letter you are informed that theCommission has not yet passed upon your application for the enrollment of yourself and family as citizens of the Choctaw Nation, and it is impracticable at this time to say when the same will be reached for consideration. As soon as a decision is rendered in your case you will be notified of the action taken therein.

Your change of post office address has been made a matter of record.

Respectfully,

Commissioner in charge.

Choctaw 5700

Muskogee, Indian Territory, February 19, 1904.

James D. Ashford,

Citra, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 12, in which you state that your present post office is Citra, Indian Territory, and this change of post office address has been made a matter of record.

Respectfully,

Commissioner in Charge.

Choctaw 5700

Muskogee, Indian Territory, May 27, 1904.

James D. Ashford,

Citra, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 19, in which you ask how to have your child, James Henry Ashford enrolled.

In reply to your letter you are advised that it appears from the testimony of your wife, Lizzie Ashford, taken November 18, 1903, that your child, James Henry Ashford, was born December 5, 1902, and in this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902:

The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shallbe placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws."

Respectfully,

Chairman.

Choctaw 5700

Muskogee, Indian Territory, September 1, 1904.

James D. Ashford,

Citra, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of August 29, 1904, requesting to be informed relative to the status of the application of your wife, Lizzie Ashford, for enrollment as a citizen of the Choctaw Nation by intermarriage.

You are informed that her application has not yet been finally passed upon by the Commission, but will be taken up and disposed of as soon as practicable. As soon as a decision is reached, you will be duly notified.

Respectfully,

Chairman.

T-3703

Muskogee, Indian Territory, September 1, 1904.

P. E. Wilhelm,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you request to be informed as to the present status of the application of Lizzie Ashford for enrollment as a citizen of the Choctaw Nation and if any additional testimony is required.

In reply to your letter you are informed that no decision has up to the present time been rendered by the Commission in the matter of the application of Lizzie Ashford for enrollment as a citizen by intermarriage of the Choctaw Nation. No additional evidence is required in this case. When a decision is rendered by the Commission Mrs. Ashford will be duly advised of the action taken.

Respectfully,

Chairman.

7-5700

Muskogee, Indian Territory, December 1, 1904.

P. E. Wilhelm,

Attorney at Law.

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 26, 1904, stating that you have been employed by J. D. Ashford to ascertain the status of the application for the enrollment of his wife Sallie Ashford as an intermarried citizen of the Choctaw Nation and you state if any additional testimony is required in her case, you will be glad to furnish the same.

You are informed it appears from our records that the name of the wife of James D. Ashford is Lizzie Ashford.

You are further advised that the application for the enrollment of Lizzie Ashford as an intermarried citizen of the Choctaw Nation is now under consideration by the Commission and as soon as a decision is reached in her case she will be duly notified of the action taken therein.

Respectfully,

Commissioner in Charge.

7-5700

Muskogee, Indian Territory, December 9, 1904.

James D. Ashford,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 3, 1904, asking if further evidence is necessary in the matter of the enrollment of your wife Lizzie Ashford. You also wish to be informed if children born since September 25, 1902, can be enrolled and state that you have a baby whose name you would like to have placed upon the rolls.

In reply to your letter you are informed that the Commission is now considering the application of Lizzie Ashford as an intermarried citizen of the Choctaw Nation and as soon as a decision is reached therein she will be notified of the action taken.

You are further advised that under the provisions of the Act of Congress approved July 1, 1902, no children born to recognized and enrolled citizens of the Choctaw or Chickasaw Nations since September 25, 1902, are entitled to enrollment and allotment, however, if you desire to make the birth of the child a matter of record there is enclosed you herewith blank form for this purpose.

Respectfully,

S. C.

Chairman.

7-5700

Muskogee, Indian Territory, 17, 1904.

James D. Ashford,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Lizzie Ashford and Martha James relative to the birth of James Hardey Ashford, infant son of James D. and Lizzie Ashford December 5, 1902, which it is presumed have been forwarded as an application for the enrollment of the above named child.

In reply to your letter you are informed that under the provisions of the act of Congress approved July 1, 1902, no child born to a recognized and enrolled citizen of the Choctaw and Chickasaw Nations subsequent to September 25, 1902, the date of the ratification of the act of Congress of July 1, 1902 above referred to, is entitled to enrollment and allotment in the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

7-5700

Muskogee, Indian Territory, April 6, 1905.

Lizzie Ashford,
Care of P. E. Wilhelm,
Coalgate, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 16, 1905, asking if the application heretofore forwarded for the enrollment of your child James Harvey Ashford is sufficient and when you can file on his lands.

In reply to your letter you are informed that the affidavits heretofore forwarded to the birth of your child James Harvey Ashford have been filed with our records as an application for the enrollment of said child and in the event further evidence is necessary to enable the Commission to determine his right to enrollment you will be duly advised.

Replying to that portion of your letter in which you ask when you can file on his allotment you are informed that no selection of allotment can be permitted for children for whom application was made under the provisions of the act of Congress of March 3, 1903, until their enrollment is approved by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw 5701

Cillin Wilson

5701

2-179

Choctaw D. #936.

Department of the Interior
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory.
December 24, 1902.

-:-

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Cillin Wilson.

Benjamin F. Grubbs being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Benjamin F. Grubbs.
Q How old are you? A Forty-six.
Q What is your post office address? A Savanna, I.T.
Q You are a recognized citizen of the Choctaw Nation? A Yes, sir.
Q How long have you lived in Tobucksy County? A Ever since 1869
Q Do you know a Choctaw Indian girl by the name of Cillin Wilson? A Yes, sir she is a girl about fourteen years old.
Q Where does she live? A Six miles south of McAlester.
Q With whom is she now living? A With a man named Nolis or Morris Carney.
Q At what post office address? A Savanna.
Q Is she a sister to the wife of Morris Carney? A Yes, sir Lucinda.
Q What is the name of Cillin Wilson's father? A Wallace Wilson.
Q Is he living or dead? A Dead.
Q Was he recognized as a citizen of the Choctaw Nation? A Yes, sir.
Q What is the name of her mother? A Wikey.
Q Is she living or dead? Dead.
Q Was she a full blood Choctaw Indian? A Yes, sir.
Q Do you know whether any application was ever made to the Dawes Commission for the enrollment of this Child Cillia Wilson? A No, sir, I don't know.

Wilson S. James being duly sworn testified as follows:

Q What is your name? A Wilson S. James.
Q What is your age? A Fifty-four.
Q What is your post office address? A Hartshorn.
Q Did you formerly live in Tobucksy County, Choctaw Nation? A Yes, sir.
Q Did you know a girl by the name of Cillin Wilson? A Yes, sir.
Q How old would she be now? A Well I couldn't say how old she is, 14 or 15, old enough to be married.
Q What is the name of her father? A Wallace Wilson.
Q Is he living or dead? Dead.
Q Was he a full blood Choctaw Indian? A Yes, sir.
Q What is the name of her mother? A Wicey.
Q Was she a full blood Choctaw Indian? A Yes, sir.
Q Living or dead? A Dead.
Q Do you know where Cillin Wilson is now living? A The girl was living close to Savanna.

Chastay B #936.

Q With whom? A. Nelle Barney.

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas Diffendaffer.

Subscribed and sworn to before me this 9th day of January 1905.

Charles K. Sawyer
Notary Public.

E. 82

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Choctaw Nation, twelve miles south of
South McAlester, I. T., January 12, 1905.

--oOo--

In the matter of the application for the enrollment of George Knox as a citizen by blood of the Choctaw Nation, ?-D-359.
In the matter of the application for the enrollment of Sophy Wilson and her children, Stephen Wilson, Lillain Wilson and Robert Wilson as citizens by blood of the Choctaw Nation, ?-D-360.
In the matter of the application for the enrollment of Lizzie Carney as a citizen by blood of the Choctaw Nation, ?-4736.
In the matter of the application for the enrollment of Melissa McCann as a citizen by blood of the Choctaw Nation, ?-4737.

--oOo--

Louisiana Carney, being duly sworn and examined through sworn interpreter, Alfred W. McClure, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Louisiana.
Q What is your full name? A Louisiana Carney.
Q How old are you? A She says she don't know her age but is somewhere about thirty-four.
Q What is your post office address? A Chambers, Indian Territory.
Q Are you a full blood Choctaw Indian? A Yes.
Q A recognized and enrolled citizen by blood of the Choctaw Nation? A Yes.
Q Do you know George Knox? A Yes.
Q What relation, if any, is he to you? A Brother.
Q Did you have the same father and the same mother? A Yes.
Q What is your father's name? A Sampson Payne, she was told, was her father. She was small when he died.
Q Was Sampson Payne the father of George Knox also? A I don't know.
Q Was your father ever known by the name of Wallace Wilson? A says Wallace Wilson was her step father.
Q What was your mother's name? A Sophy Wilson.
Q Was your mother also known by the name of Vikey Wilson? A That was the Choctaw Name. Known by the name of Vikey among the Choctaws.
Q Is your mother living? A Dead.
Q When did she die? A She says she don't know but to the best of her recollection it has been about four years ago.

The mother of the witness is identified as Sophy Wilson, No. 1 on Choctaw Card field No. D-360.

Q Was your mother a full blood Choctaw Indian? A Yes.
Q Was your father also a full blood Choctaw? A Yes, he was a Choctaw.
Q Can you give the day and the month and the year that your mother

died? A She says no, she don't believe she can.
Q What time of the year was it, was it in the winter or summer?
A In the winter.
Q Now what month in the winter was it? A She says she thinks it was just about this time of the month in January.
Q Are you positive then that it was January four years ago? A Yes just about that time four years ago.
Q Then you are certain that it was January, 1901, that your mother Sophy Wilson died? A She says yes, she believes it was just about that time when she died.
Q Is George Kaan living? A No, he is dead.
Q When did he die? A She says it will be two years this coming May when he died.
Q There is an affidavit here made by Lee Wilson which states that George Kaan died on the 16th day of May, 1903, that would be two years ago from this coming May, is that affidavit correct?
A She says that is correct.
Q Was George Kaan married? A Yes, he was married.
Q What was his wife's name? A Malina.
Q Who is the mother of George Kaan's wife? A Jinny Nail was the mother of Malina.
Q Was George Kaan also known by the name of George Carnes? A Yes, he was also known by the names of George Carnes, George Cann, George McCann and George Carney.
Q Which one of these names was his correct name? A His correct name was Cann.
Q Now was Malina, the wife of George Kaan, known by the name of Malina Carnes? A She says no, she was known by the name of Malina Anderson.
Q Was her father's name Wesley Anderson? A Yes.
Q After she married George Kaan was she known by the name of Malina Kaan or Carnes? A She says yes, by both names.

The wife of George Kaan is identified as Malina Carnes on Choctaw card field No. 4736, No. 13081 on the final roll of citizens by blood of the Choctaw Nation as approved by the Secretary of the Interior.

Q Did George Kaan have any children by Malina Carnes? A Yes.
Q Did he have more than one child by her? A Two, but one of them is dead.
Q What is the name of the child that is living? A Lindsy.
Q Was that child also known by the name of Lizzie? A She says no, only by Lindsy.
Q Did Malina Carnes ever have any other children than this one that is dead and this Lindsy? A Yes, she had one child by the name of Lizzie before she married Kaan.
Q Who was the father of that child? A She don't know.
Q The name of the father is unknown is it? A She says Alfred Nail was the father.
Q Is Lizzie Carnes, the daughter of Malina, living now? A Yes, she is living.
Q When was the last time you saw Malina Carnes and her daughter Lizzie? A About four weeks ago last Sunday.
Q How many children has Jinny Nail? A Four children.
Q What are their names? A Gibson Anderson, Malissa McCann, Mollie Anderson and Malina Carnes.
Q Who is the father of Malissa McCann? A William McCann.
Q Is William McCann living? A Is dead.
Q Was he a full blood Choctaw? A Yes, he was a Choctaw.

Q About how old is Melissa McCann? A About thirteen years.
Q Was Melissa McCann born since the 1896 Choctaw Census Roll was made? A She says as near as she recollects she was born before 1896.
Q Is Melissa McCann now living. A Yes.
Q Were you present at the birth of Melissa McCann? A No, she was not present.
Q But you do remember when said child was born and do know positively that it is the daughter of Jinny Nail and William McCann do you? A She says yes she is positive and knows it to be the child of Jinny Nail and William McCann, and remembers when it was born.
Q Have you any brothers and sisters other than George Kaen? A Yes, she has a brother by the name of Stephen Wilson. He is a full brother. One by the name of Robert Wilson; he is dead. A sister by the name of Sillain.
Q Are Stephen and Sillain Wilson living at the present time.
A Yes, they are both living.
Q Are they living here with you? A Sillain is living here with me and Stephen is in the Reform School.
Q Until Stephen Wilson was sent to the Reform School you and your mother and all your brothers and sister had always lived in the Choctaw Nation had you? A Yes, they have lived here.
Q Who is the father of Stephen, Sillain and Robert Wilson? A Wallace Wilson was the father.
Q When did Robert Wilson die. A He died on the 20th day of December, 1902.
Q You are positive of the fact are you? A Yes, she is positive as to that.
Q Was your mother Sophy Wilson and your half brothers and sister Stephen, Sillain and Robert Wilson full blood Choctaw Indians and recognized citizens of the Choctaw Nation? A She says, yes, they have been recognized as full blood Choctaws.
Q Is Wallace Wilson living? A Says he is dead.
Q How long has he been dead? A About six years.
Q Did you or any of your brothers and sisters ever make an application to the Commission for enrollment as citizens of the Choctaw Nation? A She says she don't know.
Q You never heard of any of them making such application did you?
A She says no, she has never heard of it.
Q Did any one ever make such an application for any of you? A She says her husband Nelis Carney went to have her name enrolled.
Q Did he appear before the Commission for you? A She says yes, I think he did.
Q At what time and place was this application made to the Commission by Nelis Carney for your enrollment? A She says when the Commission was enrolling at McAlester.
Q When was that? A Says about the year 1898 when the Commission was enrolling at McAlester.
Q For whom did he apply at that time, for you alone or for you and your brothers and sister also, and for himself? A She says she don't know. She says he could testify to that better than she could.
Q Do you know the name of Sophy Wilson's mother? A She don't know.
Q Do you know the name of Sophy Wilson's father? A She says no.

Witness excused.

Nelis (or Norris) Carney being duly sworn and examined through Alfred W. McClure, sworn interpreter, testified as fol-

George Kaen, et al. 4.

lows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Nelia (or Norris) Carney.
Q About how old are you? A Thirty-six.
Q What is your post office address? A Chambers, Indian Territory.
Q Are you a full blood Choctaw and a citizen of the Choctaw Nation? A Yes, if you ever saw one or heard of one I am one of them.
Q Did you ever made an application to the Commission for enrollment as a citizen by blood of the Choctaw Nation? A Yes.
Q For whom did you make that application? A Nelis Carney, Louisiana Carney, my wife, Allen Carney, my child, Hampson Carney, my child. He says that is all that I enrolled at that time; he says in December the time they were enrolling at South McAlester he enrolled another. He enrolled Davison Carney, his child.
Q When and where was this first application that you speak of made?
A He says he went there when they were--he says it was in 1899; he says they were at South McAlester in the court house room.
Q When was this second application for the enrollment of Davison Carney, your minor child, made, the one that you say was made at South McAlester? A He says the last application he made was through Dick Coleman.
Q Did you send a written application to the Commission for the enrollment of Davison Carney? A He says yes.
Q At the time that you made this application to the Commission in 1899 did they take your name down? A He says yes.
Q Do you know Sophy Wilson? A Yes, I know her.
Q Has she any children? A Yes.
Q What are their names? A Louisiana Carney, George Kaen, Robert Wilson, Stephen Wilson and Gillain Wilson, that is all.
Q Are these all living, Sophy and her children. A No.
Q Which ones are dead? A George Kaen, Sophy Wilson, Robert Wilson.
Q When did Sophy Wilson die? A About four years ago.
Q In what month was it that she died? A Says in January; about January, I don't know the day of the month.
Q You say it was January four years ago, that would make it January, 1901, is that correct? A Yes.
Q You are positive of that fact are you? A Yes.
Q When did Robert Wilson die? A A little over two years ago.
Q What is the exact date of Robert Wilson's death? A On the 20th day of December, 1902.
Q Are you positive that that is the correct date? A Yes.
Q When did George Kaen die? A About the 16th day of May, 1903.
Q Are you certain that George Kaen died on that date? A Yes.
Q How did he meet his death? A He says he went to see his uncle and got killed by a train. He was on his way to see his uncle.
Q Who was the father of Stephen, Gillain and Robert Wilson?
A Wallace Wilson.
Q When did he die? A About six years ago.
Q Was Wallace Wilson a full blood Choctaw Indian? A He was a full blood Chickasaw.
Q Was Sophy Wilson a full blood Choctaw? A Yes.

Witness excused.

George Knox et al. 5.

Gillain Wilson called as a witness, being duly sworn and examined through sworn interpreter, Alfred W. McClure, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Gillain Wilson.
Q How old are you? A She says she don't know, but something over sixteen.
Q Are you a citizen by blood of the Choctaw Nation? A Yes.
Q What is your mother's name? A Sophy Wilson.
Q What is your father's name? A Wallace Wilson.
Q Is your father living? A No, dead.
Q When did he die? A Don't remember.
Q Was your father a citizen of any nation in Indian Territory?
A He was a Chickasaw.
Q A full blood Chickasaw? A Yes.
Q Was your mother a full blood Choctaw? A Yes.
Q Is your mother living? A No.
Q About when did she die? A Don't remember.
Q Have you any brothers and sisters? A She says she has one brother, Stephen Wilson.
Q Where is Stephen Wilson at the present time? A Says in the Reform School.
Q Did you have any other brother besides Stephen Wilson? She says she had a brother, Robert Wilson. Says he is dead.
Q When did Robert Wilson die? A She don't remember.
Q About how long ago was it? A I don't know.
Q Do you now wish to be enrolled by the Commission, you and your brother Stephen Wilson, as citizens by blood of the Choctaw Nation provided the Commission shall determine that you are entitled to such enrollment? A She says they got notice from the Dawes Commission from Atoka that they were on the rolls.
Q That Gillain Wilson was on the rolls? A Yes.

There is exhibited a letter from the Commission addressed to Gillin Wilson, Care Morris Carney, Savannah, Indian Territory, telling her that she is on the final roll as a citizen by blood of the Choctaw Nation, and that such enrollment was approved by the Secretary of the Interior on May 9, 1904, and further notifying her that she should appear at the land office and select her allotment. The Gillin Wilson in said letter, it appears from said letter, is listed on Choctaw card field No. 5701.

Witness excused.

Robert A. Grumert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case on the 12th day of January, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case. Robert A. Grumert

Subscribed and sworn to before me this 20 day of January, 1905.

Charles H. Lawson
Notary Public.

Muskogee, Indian Territory, December 31, 1902.

A. J. Perkins,

Atoka, Indian Territory.

Dear Sir:

The names of Sophi Wilson, fifty-two years of age; Stephen Wilson, ten years of age; Sillian Wilson, seven years of age; and Robert Wilson, two years of age, residents of Atoka County, are found on the 1896 Choctaw Census Roll, but it does not appear from the records that any application has ever been made to this Commission for their enrollment.

The name of Stephen Wilson is found also on the 1893 Pay Roll for Atoka County, and it appears from the record therein that John M. Hodges drew the money for this child.

If you know these persons, or either of them, you are kindly requested to state full particulars in relation to them at as early a date as may be convenient, returning your reply in the enclosed envelope which requires no postage.

Yours truly,

Env.

Choc. Del.

Commissioner in Charge.

Choc-Del

Muskogee, Indian Territory, May 21, 1908.

William Harrison,

Goodwater, Indian Territory.

Dear Sir:

The names of Sophy Wilson, now about fifty-six years of age, Robert Wilson, now about eight years of age, Stephen Wilson, now about sixteen years of age and Gillian Wilson, now about twelve years of age, are found upon the 1896 Choctaw census roll; it appears that they were at that time, residents of Atoka County, Indian Territory, but there is no record that any application for their enrollment has ever been made to this Commission.

Will you please answer the questions below at your earliest convenience and return this letter in the enclosed envelope which requires no postage.

Yours truly,

Enc.
Reg.

Acting Chairman.

Q Do you know Sophy Wilson and the children above named? A _____

Q Are they all living? A _____

7--5701.

Muskogee, Indian Territory, June 2, 1905.

Commissioner in Charge,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, asking if an investigation has been made relative to the death of Robert Wilson, Choctaw Roll Card No. 5701, approved roll of citizens by blood of the Choctaw Nation No. 15811.

In reply to your letter you are advised that no investigation has been made as to the date of the death of this citizen, but on January 12, 1905, the testimony of Louisiana Carney and Nollis or Norris Carney was taken in the matter of the enrollment of Silian Stephen and Robert Wilson. From their testimony it appears that said Robert Wilson died December 20, 1902.

Respectfully,

Commissioner in Charge.

W K 2

Q If any are dead, please state their names? A _____

_____

_____

Q What is the present post office address of the above parties?

A _____

Q If you are unable to give the information requested can you state the name of some person who can do so? A _____

_____

COPY

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record in the matter of the date of the death of Robert Wilson, whose name appears opposite No. 15811 upon a schedule constituting a part of the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior March 15, 1905.

It appears from the record in this case that there were filed with the records of this office the affidavits of Louisana Carney and Nolia Carney, subscribed and sworn to by them before Wirt Franklin, a Notary Public in and for the Central District of the Indian Territory, January 12, 1905, and in said affidavits it is alleged that the death of Robert Wilson occurred December 20, 1902.

There was subsequently filed with the records of this office the affidavit of Sillen Wilson, subscribed and sworn to by her before L. Jake Collins, a Notary Public in and for the Central District of the Indian Territory, April 12, 1905, and in said affidavit it is alleged that the death of Robert Wilson occurred December 20, 1902, and there was also filed the affidavit

of Hogan Anderson, subscribed and sworn to by him before A. E. Becker, a Notary Public in and for the Central District of the Indian Territory, April 14, 1905, and in said affidavit it is alleged that the death of Robert Wilson occurred on or about the 20th day of December, 1902.

There were also filed with the records of this office the affidavits of Louisana Carney and Morris Carney, subscribed and sworn to by them before J. Anderson, a Notary Public in and for the Central District of the Indian Territory, April 29, 1905, and in said affidavits it is alleged that the death of Robert Wilson occurred December 27, 1902.

It further appears that on July 1, 1905, Tommie E. Earp appeared before the Chickasaw Land Office of the Commissioner to the Five Civilized Tribes, located at Ardmore, Indian Territory, and presented letters of administration, issued by the United States Court for the Southern District of the Indian Territory June 22, 1905, appointing the said Tommie E. Earp administrator of the estate of Robert Wilson, deceased, and in said letters it is recited that the death of the said Robert Wilson occurred on or about the 20th day of December, 1902.

As administrator of the estate of Robert Wilson, deceased, Tommie E. Earp was permitted to select, July 1, 1905, land in the Chickasaw Nation of the appraised value of $839.59, described

as follows:

Homestead-
W/2 of the SW/4 of the NE/4, less 1.85 acres for L. & O. Ry., SE/4 of the NW/4 and the NE/4 of the SW/4, less 2.02 acres for L. & O. Ry., Section 9, Township 4 North, Range 2 East.

Exclusive of homestead-
S/2 of the NW/4 of the NE/4, less 1.45 acres for L. & O. Ry., and S/2 of the NE/4 of the NW/4 of Section 9, Township 4 North, Range 2 East; SW. 9.42 acres of Lot 1 of Section 18 and N/2 of the SW/4 of the SE/4 of Section 17, Township 5 North, Range 2 West.

On July 13, 1905, an additional selection of land, as a portion of the allotment exclusive of the homestead of Robert Wilson, deceased, was made, the appraised value of the land amounting to $191.60, which is described as follows:

S/2 of the NE/4 of the NE/4, less .23 acres for L. & O. Ry., and the NE/4 of the SW4 of the NE/4, less 1.45 acres for L. & O. Ry., Section 18 and the SW/4 of the SE/4 of the SE/4 of Section 16, Township 4 North, Range 2 East.

Chickasaw Homestead Certificate No. 11251 and Chickasaw Allotment Certificates Nos. 16162, 16163 and 18210 for the land above described were not issued for the reason that

this office received unofficial information to the effect that Robert Wilson, Choctaw Roll by Blood No. 15811, had died prior to September 25, 1902, the date of the ratification of the Choctaw-Chickasaw agreement approved July 1, 1902, and an investigation was then ordered by the Commissioner for the purpose of ascertaining the exact date of the death of the said Robert Wilson.

During the month of October, 1906, there was secured the testimony of Melina Cann, Irene Flyhover, Kissen Reed, John Flyhover, Cillon Wilson, Paglin Anderson and Louisana Carney, and as the result of the investigation made in this case the Commissioner, on January 23, 1907, rendered his decision to the effect that the evidence in this case shows that Robert Wilson, whose name appears upon the final roll of citizens by blood of the Choctaw Nation opposite No. 15811, died in the month of January, 1902.

A copy of the above decision of the Commissioner was forwarded by registered mail to Tommie L. Harp, Ardmore, Indian Territory, January 31, 1907, and he was notified that he would be allowed to show cause and introduce testimony before the Commissioner at his office in Muskogee, Indian Territory, Saturday, February 16, 1907, at nine o'clock A. M., why recommendation should not be made to the Secretary of the Interior for the can-

cellation of the enrollment of the said Robert Wilson and the allotment selections made in his name at the Chickasaw Land Office on July 1 and 13, 1905.

In reply thereto there was received a communication, dated February 4, 1907, from J. T. Coleman, Ardmore, Indian Territory, as the attorney for the said Tommie E. Harp, in which he stated that the latter had been discharged as the administrator of the estate of Robert Wilson, deceased, and accordingly did not feel that he had any interest in this matter.

This office was also informally advised that E. C. Million, South McAlester, Indian Territory, was acting as administrator of the estate of Robert Wilson, deceased, having been appointed such on July 15, 1905, by the United States Court for the Central District of the Indian Territory. Immediately upon receiving this information a notice was forwarded to the said E. C. Million , by registered mail, notifying him that he would be allowed to show cause and introduce testimony before the Commissioner at his office in Muskogee, Indian Territory, on Saturday, February 16, 1907, at nine o'clock A. M., why recommendation should not be made to the Secretary of the Interior for the cancellation of the enrollment of the said Robert Wilson, deceased, and the allotment selections made in his name at the Chickasaw Land Office on July 1 and 13, 1905.

A. C. Moseley, Atoka, Indian Territory, acting as the attorney for the said E. C. Million, addressed a communication to this office, dated February 12, 1907, in which he stated that sufficient time was not allowed within which to make a satisfactory investigation of this case and accordingly requested that a further time of ten days be allowed.

In reply thereto the said A. C. Moseley was advised by this office in a communication, dated February 20, 1907, that, inasmuch as an opportunity had been allowed the proper legal representative of the estate of Robert Wilson, deceased, to appear before the Commissioner for the purpose of taking such steps or presenting such witnesses as he might desire and in view of the fact that the time was limited within which action might be taken by the Secretary of the Interior with reference to enrollment matters, the record in the case would be forwarded to the Secretary of the Interior for his consideration and action thereon, but that if he so desired, a brief or other papers with reference to this case could be filed and that the same would be immediately forwarded to the Secretary of the Interior.

Inasmuch as the record transmitted herewith shows that Robert Wilson died prior to September 25, 1902, the date of the ratification of the Act of Congress approved July 1, 1902 (32 Stats., 641), I have the honor to recommend that the name of

Robert Wilson, appearing upon the approved roll of citizens by blood of the Choctaw Nation opposite No. 15811, be cancelled from the copies thereof in the possession of the Department and in the office of the Commissioner of Indian Affairs, and also upon the original letter and copies thereof transmitting the schedule containing the name of Robert Wilson for Departmental action.

It is also recommended that I be authorized to make like cancellation upon the copies of the schedule and letter of transmittal in the possession of this office, and that the allotment selections made in the name of Robert Wilson, deceased, and hereinbefore described, be cancelled, set aside and held for naught.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

VR 27-2

Muskogee, Oklahoma, January 19, 1909.

Requesting information as to what, if any, action was taken by Department on office letter of February 27, 1907, relative to death of Robert Wilson.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to invite attention to office letter of February 27, 1907, wherein this office reported on the death of Robert Wilson, a citizen by blood of the Choctaw Nation, and transmitted the record and finding in this case, with the recommendation that the name of this citizen be cancelled from the approved roll of citizens by blood of the Choctaw Nation at Number 15811, and to request information as to what, if any, action was taken by the Department in connection with this matter. It does not appear, from the record in this case, that this office was ever notified of Departmental action on its recommendation of February 27, 1907.

Respectfully,

Acting Commissioner

AB

delinquent Number 34.

Name: Sophy Wilson, age 52.

County: Atoka.

Page 367, Number 14016.
Enrolled with Robert Wilson, 2 years old, Number 14017, Stephen Wilson, 10 years old, Number 14018, Sillian Wilson, 7 years old, Number 14019.
December 31,1901, Wrote A. J. Harkins; no reply. May 21,1902, Wrote William Harrison, Goodwater, I.T. No reply.

Choctaw 5702

William Eddie Forbes

5702

Original
Choctaw
Delinquent.

Department of the Interior.
Commission to the Five Civilized Tribes/
Garvin, Ind. Ter., Nov. 25,1902.

In the matter of the original application of William Eddie Forbes for enrollment as a citizen by blood of the Choctaw Nation.

William Eddie Forbes, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A William Eddie Forbes.
Q What is your age? A Thirty two.
Q What is your post office address? A Garvin, Indian Territory.
Q What is the name of your father? A Albert Forbes.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir.
Q What is the name of your mother? A Jane Forbes.
Q Is she living? A Yes sir.
Q Is she a citizen by blood of the Choctaw Nation? A Yes sir,---- oh, no sir, my mother is a white woman.
Q Your father is living, is he? A Yes sir.
Q In what county were you born? A I was born in Texas.
Q How long have you lived in the Choctaw Nation? A Twenty seven years, my father moved to the Choctaw Nation when I was five years old.
Q Have you always been recognized as a citizen of the Choctaw Nation? A Yes sir.
Q Did you draw the 1893 Leased District payment? A Yes sir.
Q At what place? A Shawneetown.
Q Were you a married man at that time? A Yes sir.
Q What was the name of your wife at that time? A Minerva.
Q Did you have any children? A Yes sir.
Q What were their names? A Nancy.
Q Did you draw the leased district money for your wife Minerva and your child, Nancy? A Yes sir.
Q Was the money paid to you? A Yes sir.
Q Did you ever appear before the Commission to the Five Civilized Tribes as an application for enrollment? A No sir, never was.
Q Why? A I was not here at the time of the enrollment at Sulphur Springs and I never was able to go to Muskogee.
Q Where were you living at the time the Dawes Commission made their enrollment? A I was in Texas. I got in a little trouble, and went over there, and came back in five or six months and have been here ever since.
Q You and your wife Minerva have separated? A Yes sir,
Q And you have since married again? A Yes sir.
Q Did you marry a citizen of the Choctaw Nation? A Yes sir.
Q What was her name? A Nellie Washington.
Q When were you married to Nellie Washington? A I have a certificate at home.
Q You have your marriage certificate at home? A Yes sir.

You should furnish that certificate to the Commission as early as you possibly can as authority for the change of her name upon our records from Nellie Washington to Nellie Forbes.

Q Are you a full blood Choctaw? A No sir, I am half; my mother is a white woman, and my father is a full blood.
Q Were you a resident of Indian Territory in June 1898? A Yes sir.
Q And you have resided here ever since that time? A Yes sir.

Albert Forbes, called as a witness, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Albert Forbes.
Q How old are you? A Sixty.
Q You are a citizen by blood of the Choctaw Nation. A Yes sir.
Q Do you know William Eddie Forbes? A Yes sir.
Q Is he your son? A Yes sir.
Q Did he draw the 1893 leased district payment money? A Yes sir.
Q At what place did he draw it? A Shawneetown.
Q Do you remember when this Commission was making the enrollment at Sulphur? A Yes sir.
Q Where was William Eddie Forbes at that time? A In Texas.
Q Did he have some trouble that made him run over into Texas?
A Yes sir.
Q How long did he stay there? A About five or six months.
Q Is he your son by a white wife? A Yes sir.
Q Can you furnish the Commission with evidence of your marriage to your wife? A I have done it--the evidence is on file with the Commission.

(Witness excused)

Robert Taylor, called as a witness, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Robert Taylor.
Q How old are you? A Forty nine or fifty.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q What official position do you hold? A County judge of Red River county.
Q Do you know this applicant, William Eddie Forbes? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q Has he always lived in the Choctaw Nation since you haveknown him?
A Yes sir.
Q Do you know whether he drew the 1893 Leased District money?
A I don't know myself, I heard that he drew it.
Q He is a son of Albert Forbes? A Yes sir.
Q And his mother is a white woman? A Yes sir.

(Witness Excused)

(The name of the applicant, William Eddie Forbes, appears upon the 1893 Leased District Payment roll, Red River Co., page 23, No.189, as Addie Fobbis.)

---oOo---

Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause

on the 25th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Ritter

Subscribed and sworn to before me this 1st day of December, 1902.

P. C. Bolgar.
Notary Public.

7 - D 937

Muskogee, Indian Territory, September 15, 1903.

William Eddie Forbes,

Garvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, requesting information relative to your application for enrollment as a citizen by blood of the Choctaw Nation, stating that you made application for enrollment before the Commission at Garvin, Indian Territory, in November, 1902.

You are informed it appears from our records that you are listed as a doubtful claimant to enrollment as a citizen by blood of the Choctaw Nation.

No decision has yet been rendered by the Commission relative to your right to final enrollment as such. As soon as a decision in your case has been reached you will be notified of the action taken therein by the Commission.

Respectfully,

Chairman.

Chootaw-5702

Muskogee, Indian Territory, January 23, 1904.

W. H. Forbis,

Garvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date asking what steps you should take to be enrolled as a citizen by blood of the Chootaw Nation.

In reply to your letter you are informed that William Eddie Forbis, about thirty-two years of age, son of Albert and Jane Forbis, has been enrolled by this Commission as a citizen by blood of the Chootaw Nation, and his name has been placed upon a schedule of citizens by blood of said Nation, which has been forwarded to the Secretary of the Interior.

The Commission has not, however, been advised of departmental action thereon.

Respectfully,

Commissioner in Charge.

Choctaw D 937

Muskogee, Indian Territory, April 16, 1904.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

There is returned you herewith letter of April 11, 1904, to W. E. Forbes, Garvin, Indian Territory, prepared at your office, together with a carbon copy of such reply which has this day been addressed.

Respectfully,

Commissioner in Charge.

Enc-GRS-1-16

Choctaw D 937

Muskogee, Indian Territory, April 16, 1904.

W. E. Forbes,

Garvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date, asking if the SW4 of Section 3, Township 1 S., Range 21 E., has been filed on, and, if not, you request to be furnished a plat of said land.

In reply thereto, you are advised that it appears from our records that the land above described contains valuable pine timber which has heretofore been estimated and appraised by the Commission to the Five Civilized Tribes and has been temporarily withheld from allotment. The Commission has not, therefore, at this time prepared plats showing the appraisement of the lands containing pine timber of a commercial value heretofore estimated and appraised by the Commission, and it will be impracticable to comply with your request.

Respectfully,

Commissioner in Charge.

Choctaw 5703

Dodie Gardner

5703

Transferred from Choc #D130
12-14-03

See Records Therein

Ida Wright Transferred from Choc
Jacket #D 130 10-31-04

In the matter of the application for the enrollment of Ida Wright as a citizen by intermarriage of the Choctaw Nation.

7-D-130.

Commission to the Five Civilized Tribes,

Alikchi, Indian Territory.

In the matter of the application of IDA WRIGHT for enrollment in the Choctaw Nation; being sworn by Commissioner McKennon, she testifies as follows:

Q What is your name? A Ida Wright.

Q How old are you? A I am thirty-four.

Q Where were you born and reared? A In Arkansas.

Q When did you leave Arkansas and come to the Territory?

A Fifteen years ago.

Q Did you marry before you came? A No sir.

Q You were married after you came here? A Yes sir.

Q Who was your first husband? A Jim Gardner.

Q Were you married to him? A Yes sir.

Q Where? A At Wheelock, here in the Nation.

Q By whom? A Parson Edward, John Edward.

Q Who was present at the marriage? A Mr. Manor and Susie Manor, his daughter.

Q Where are they? A Both dead.

Q No one else? A No one else.

Q Where is Jim Gardner? A Dead.

Q Did you not get a certificate of marriage?

A Yes sir, but got it lost, and then I wrote to Mr. Edward and got an affidavit of his.

Q Where was Jim Gardner born and raised, you know?

A Here, I reckon; Here is Mr. Webster and Judge Dukes here, he ought to know.

Q You don't know how you got your certificate lost?

A No sir, I had it in a secretary at home, and I don't know what became of it at all.

Q You remember the date of your marriage? A Yes sir.

Q What was it? A In '86, the 2nd day of February.

Q Have you any child by Gardder? A Yes sir.

Q What is its name? A Doda.

Q How old is Doda? A Soon be twelve year old, be twelve in June.

Q You have married since the death of Jim Gardner?

A Yes sir.

Q Married a white man? A. A I have been married twice since his death, the first time to Jimmie Gardner's brother.

Q Is he living? A No sir, he is dead.

Q And then you are now married to a Mr. Wright? A Yes sir. J. F. Wright.

Q He is a white man? A Yes sir.

Q When did you marry him? A 18th of last July.

Q 1898? A Yes sir.

Q (By Judge Dukes) You married Jerry after Jim's death?

A Yes sir.

Q Have you a certificate of that marriage? A It's at Bill Parsons, and I never did get it; I just wanted this one on account of my little girl.

Q You had no children by Jerry? A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

John Edwards being duly sworn, on this the 6th day of April, A.D. 1899, deposes and says, that he is a duly ordained minister of the gospel in connection with the Presbyterian Church in the United States of America, and has been such for more than forty five years last; that from October 1884 to October 1896 his residence was at Wheelock, Towson County, Choctaw Nation, in the Indian Territory; that on the 2nd day of February A.D. 1886,

State of California,
County of Santa Clara. } ss.

I, Henry A. Pfister, County Clerk of the County of Santa Clara, State of California, and ex-officio Clerk of the Superior Court of said County, do hereby certify that Edwin A Wilcox Esq., the person subscribing the annexed Certificate of Acknowledgement, and before whom the same was taken, was, at the date thereof, and is now, a Notary Public, in and for said County, duly commissioned and qualified; that by virtue of his said office he is authorized to take acknowledgements and administer oaths. I further certify that the signature of Edwin A Wilcox subscribed to the annexed Certificate of Acknowledgement, is his proper and genuine signature, and that said instrument is executed in accordance with the laws of this State.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Superior Court, at my office, at San Jose, this 6 day of April A. D. 1899.

Henry A. Pfister
County Clerk,
and Clerk of the Superior Court of the County of Santa Clara.

were married were present at the time of the said marriage.

John Edwards

Subscribed & sworn to before me this 6th day of April, A.D. 1899
Edwin A. Wilcox.

NOTARY PUBLIC In and for the County of Santa Clara, State of California.

John Edwards being duly sworn, on this the 6th day of April, A.D. 1899, deposes and says, that he is a duly ordained minister of the gospel in connection with the Presbyterian Church in the United States of America, and has been such for more than [illegible] five years last; that from October 1884 to October 1896 his residence was at Wheelock, Towson County, Choctaw Nation, in the Indian Territory; that on the 2nd day of February, A.D. 1886, James S. Gardner, son of the late Joel Gardner, a native born Choctaw, and Ida Lick, a white woman residing in said County, were by him duly joined in marriage at said Wheelock, in accordance the laws of said Choctaw Nation; and that H. W. Maynor and Susie Maynor were present as witnesses of the said marriage.

John Edwards

Subscribed & sworn to before me
this 6th day of April, A.D. 1899
Edwin A. Wilcox

NOTARY PUBLIC in and for the
County of Santa Clara, State of California.

Department of the Interior.
Commission to the Five Civilized Tribes.
At Garvin, Indian Territory, November 28, 1902.

Choctaw D 130.
Intermarried.

In the matter of the application of Ida Wright for enrollment as an intermarried citizen of the Choctaw Nation.

Ida Wright having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Ida Wright.
Q How old are you? A Thirty seven.
Q What is your post office address? A Valiant, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Nineteen years.
Q Have you lived here continuously for the past nineteen years?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom, you claim these rights? A Jimmy Gardner.
Q Was he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to Jimmy Gardner? A In 1886.
Q Where was the marriage ceremony performed? A At Wheelock.
Q At that time were both you and your husband residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A John Edwards.
Q A minister of the gospel? A Yes sir.
Q Did you obtain a marriage license? A No sir, just a certificate.
Q Were you ever married before your marriage to Jimmy Gardner?
A No sir.
Q Was he ever married before his marriage to you? A Yes sir.
Q How many times? A Twice I think.
Q Do you know the names of his former wives? A Agnes Bohannon and Sarah Garvin.
Q Were both of these women dead at the time of your marriage to him?
A One was dead and one was living.
Q Whoih one was living? A Agnes Bohannon. She is living yet.
Q Were they divorced? A Yes sir.
Q Do you know whether they were or not? A Yes sir, they were divorced.
Q Do you know where they obtained the decree of divorce? A No sir, I do not.
Q After your marriage to Jimmy Gardner how long did you live together continuously as husband and wife? A Nearly two years.
Q Did he die at the end of that time? A Yes sir.
Q You lived with him up until his death? A Yes sir.
Q Since his death have you remarried? A Yes sir.
Q What was the name of your second husband? A Jerry Gardner and my third husband was Wright.
Q Was Jerry Gardner a Choctaw Indian also? A Yes sir.
Q Where did you marry him? A At Wheelock.
Q Who performed the ceremony? A John Edwards.
Q How long did you live with Jerry Gardner? A Seven years.
Q Until his death? A Yes sir.
Q After his death you remarried? A Yes sir.
Q What is the name of your third husband? A Frank Wright.

Q Is he a white man or an Indian? A White man.
Q Where were you married to him? A Clarksville, Texas.
Q Were you living i n Texas at that time? A No sir, I was living here.
Q You were married to him under the laws of the state of Texas?
A Yes sir.
Q Are you still living with Frank Wright? A Yes sir.
Q You are at present a bona fide resident of the Choctaw Nation?
A Yes sir.
Q Was Jerry Gardner ever married before his marriage to you? A Once is all I know of.
Q What was his former wife's name? A Jinnie James.
Q Was she dead at the time of your marriage to him? A Yes sir.

----oOo----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported infull all proceedings had in the above entitled cause on the 28th day of November , 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 22 day of January 1903.

Charles H. Sawyer

Notary Public.

John Edwards being duly sworn on his oath says that he is a duly ordained minister of the gospel in connection with the Presbyterian Church in the United States of America, and has been for fifteen years last past; that from 1886 to 1892 his residence was at Sheelock, Towson County Choctaw Nation, in the Indian Territory; that on the 8th day of October A.D. 1891 Jerry Gardner, a native born Choctaw Indian and Ida Gardner the widow of James Gardner (a white woman) both residing in said County, were by him duly joined in marriage at said Sheelock, in accordance with the laws of said Choctaw Nation.

John Edwards

Subscribed and sworn to before me this 17th day of Dec. 1902

Edwin Stafford

NOTARY PUBLIC in and for the County of Logan, State of California.

This certifies that the Docket book of the Circuit Court held in Towson County Choctaw Nation. Shows that a petition for a Divorce was filed in said Court by James Gardner Vs. Agnes Gardner. On February 15th 1883. and that a Divorce was granted on March 14th 1883

This the 28th day of January A.D. 1903

H. J. Anderson
Circuit Clerk
2nd Judicial Dist'
Choctaw Nation

7-D-130.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

In the matter of the application for the enrollment of Ida Wright as a citizen by intermarriage of the Choctaw Nation.

----:----

D E C I S I O N.

----:----

It appears from the record herein that on February 21, 1886, the applicant, Ida Wright, was lawfully married to James S. Gardner, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified on the 1885 Choctaw Census Roll, Towson County, page 34, No. 459; that at the time of said marriage both persons above named were residents in good faith of the Choctaw Nation and lived together continuously as husband and wife until the death of the said James S. Gardner, about two years after said marriage; that on October 8, 1891, the applicant was lawfully married to Jerry Gardner, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Choctaw Leased District Pay Roll, Towson County, page 14, No. 127; that the applicant and the said Jerry Gardner lived together as husband and wife continuously from the date of said marriage until the death of said Jerry Gardner, about seven years after said marriage; that subsequently the applicant was married to Frank Wright, a white man, having no rights of Choctaw citizenship by blood.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, page 115, No. 4746, by the name of Ida Gardner, enrolled thereon as an intermarried citizen of the Choctaw Nation.

It further appears from the record herein that the applicant had been a resident in good faith of the Choctaw Nation from the date of her marriage to said James S. Gardner up to and including September 25, 1902.

It is therefore the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D.-4060-1904), relative to the question of forfeiture, Ida Wright should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

OCT 15 1904

7-D-130

COPY.

Muskogee, Indian Territory, October 15, 1904.

Ida Wright,

Valliant, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-130

7-D-130

COPY.

Muskogee, Indian Territory, October 15, 1904.

G. A. Spaulding,

Attorney at Law,

Garvin, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Ida Wright for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have beenfurnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Ida Wright as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

7-D-130

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Ida Wright as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-130.

Muskogee, Indian Territory, November 9, 1900.

G. H. Spaulding,

United States Commissioner,

Goodwater, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 5th instant, in which you desire to be informed if there has been a protest entered as to the enrollment of Mrs . Ida Wright and her child by a former marriage, Dodie Gardner, as citizens of the Choctaw Nation.

You are informed that the records of this Commission show that Ida Wright, 34 years of age and her daughter, Dodie Gardner, 12 years of age, of Fowlerville, Indian Territory, have been listed for enrollment by this Commission as doubtful claimants to citizenship in the Choctaw Nation, Ida Wright as an intermarried citizen and Dodie Gardner as a citizen by blood of the Choctaw Nation.

Up to this time there has been no protest filed by the representatives of the Choctaw Nation as to the enrollment of these parties. Their names, however, appear upon the doubtful list of claimants to enrollment in the Choctaw Nation and as soon as the Commission consistently can, will take up this case for consideration and will notify Mrs. Wright of any action that may be taken as to the application of herself and her daughter, Dodie Gardner.

Yours truly,

7-D-130 Acting Chairman.

Muskogee, Indian Territory, August 8, 1901.

Mr. John Lick,

Dewsville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you desire to be informed whether or not Ida Wright is a citizen of the Choctaw Nation, and state that you make this inquiry at her request.

You are informed that the records of this office show that Ida Wright, thirty-four years of age, and her daughter Dodie Gardner, twelve years of age, of Fowlerville, Indian Territory, have been listed for enrollment by this Commission as doubtful claimants to citizenship in the Choctaw Nation; Ida Wright as an intermarried citizen, and Dodie Gardner as a citizen by blood of the Choctaw Nation.

Yours truly,

7-D 120

7-D-130.

Muskogee, Indian Territory, January 14, 1903.

G.A. Spaulding,

Attorney at Law,

Garvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3d inst., enclosing affidavit of John Edwards relative to the marriage between Ida and Jerry Gardner; and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of Ida Wright as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Chairman.

7-D-130.

Muskogee, Indian Territory, February 7, 1903.

G.A. Spaulding,

Garvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2d inst., enclosing certified copy of the record of the Choctaw Court, showing the divorce between James Gardner and his Choctaw wife, Agnes Gardner; whichyou offer in support of the application for enrollment of Ida Wright and her daughter, Dodie Gardner, as citizens of the Choctaw Nation; and the same has been duly filed with the record in this case.

Respectfully,

Acting Chairman.

Choctaw 1393
Choctaw D130

Muskogee, Indian Territory, February 16, 1903.

G. A. Spaulding,

Garvin, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 23, in which you state that in the matter of the application of Ida Wright, et al. for enrollment as citizens of the Choctaw Nation, there is a question as to whether or not Mrs. Wright's first Choctaw husband, Jimmie Gardner, was divorced from his Choctaw wife, Agnis, now Agnis Bohanon or Murphy, and you ask that the testimony in her case be examined to see if the same will not complete the record in the case of Ida Wright, and show her marriage to Jimmie Gardner, in order that her child by him may be enrolled as a citizen of the Choctaw Nation.

In reply to your letter you are advised that it does not appear from our records that any testimony has been offered by Agnes Bohanan, formerly Agnes Murphy, or by any one else in her behalf in the matter of her enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Chairman.

7-D-130.

Muskogee, Indian Territory, April 30, 1903.

J.F. Wright,

Valliant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th inst., asking if your wife, Ida Wright, formerly Gardner, who is a white woman, will be permitted to file for herself and her minor child, Dodie Gardner; and if it will be necessary for them both to appear in person at the land office.

In reply to your letter, you are advised that it appears from our records that Ida Wright and her daughter, Dodie Gardner, have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to such enrollment has not yet been determined. As soon as a decision has been reached in this case, they will be notified of the action of the Commission.

Replying to your inquiry relative to their selection of allotments at the land office, your attention is invited to section fifteen of the rules and regulations governing the selection of allotments and designation of homesteads in the Choctaw and

J F B 2

Chickasaw Nations, copy of which is enclosed you herewith.

Respectfully,

Chairman.

Enc R & R All.

Choctaw
5703

Muskogee, Indian Territory, January 8, 1904.

James F. Wright,

Valliant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 1, asking the status of the enrollment of Joe or Dodie Gardner, and stating that her land has been filed on by another citizen.

In reply to your letter you are advised that the name of Dodie Gardner is being placed upon a schedule of citizens by blood of the Choctaw Nation, which will be forwarded to the Secretary of the Interior for approval.

You are further advised that if the land claimed by her has been selected in allotment by another citizen, she will be permitted to appear at the land office and make application therefor and institute contest proceedings.

Respectfully,

Commissioner in Charge.

Choctaw 8703

Muskogee, Indian Territory, February 9, 1904.

Ida Wright,

Doaksville, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of February 2, in which you state that you are an intermarried citizen whose enrollment has not been approved; that the land which you have selected for your daughter, Dodie Gardner, has been filed on by George Jones, and you wish to know if you will be permitted to file a contest for your daughter.

In reply to your letter you are advised that if the land which Dodie Gardner desires to selection in allotment, upon the approval of her enrollment, and on which she has valuable improvements, has been filed on by another citizen, application may be made therefor, in behalf of the said Dodie Gardner, by a duly appointed and qualified guardian or curator, in accordance with the provisions of section eight of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw nations, copy of which is herewith inclosed you, at which time a contest may be instituted if so desired.

Replying to that portion of your letter in which you ask to be informed who was the Ida Wright who was approved some three or

I W S

four months ago and her post office, and state that you desire this information as this is your name, you are informed that it appears from our records that the Ida Wright referred to was Ida B. Wright, wife of Eliphalet N. Wright, whose post office address is Olney, Indian Territory.

You are further informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choctaw D-150

Muskogee, Indian Territory, May 17, 1904.

J. F. Wright,

Valliant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 5, addressed to the United States Indian Agent, which has been by him referred to the Commission for appropriate action. Therein you ask of the status of the enrollment of Ida Wright, mother of Dodie Gardner.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Ida Wright for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case, she will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw- 5703.

Muskogee, Indian Territory, April 3, 1905.

Elijah H. Kinney,

Valliant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Dodie Kinney (Gardner) and Ida Wright to the birth of Lillie R. Kinney, daughter of Elijah H. and Dodie Kinney, and the same have been filed with our records as an application for the enrollment of said child.

Respectfully,

Chairman.

Choctaw 5704

Grace M. Pitchlynn

5704

Transferred from Choc #D349

12-21-03

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Grace M. Pitchlynn as a citizen by intermarriage and of Paul P. Pitchlynn, Earnest L. Pitchlynn, Garland A. Pitchlynn and Carlisle M. Pitchlynn as citizens by blood of the Choctaw Nation.

7-D-349.

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Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Grace M. Pitchlynn as an intermarried Choctaw; being sworn and examined by Comr McKennon she states:

Q What is your name? A Grace M. Pitchlynn.

Q How old are you? A Thirty-seven.

Q You present a license here dated January 12th 1881, or that is, a marriage certificate, which shows you were married to Thomas Pitchlynn, your name was Grace M. Dorsey? A Yes sir.

Q This was in the District of Columbia, at Washington?

A Yes sir.

Q Where did he live? A In Washington.

Q When did he go there? A I don't know exactly, he went with his father, that was when he was a child.

Q He went there with his father? A Yes sir.

Q How old would he be now? A About forty-three.

Q He has lived there ever since? A Yes sir. He has been out here, back and forth; he called this his home though.

Q Did he not reside actually in the City of Washington?

A Yes sir, there with his mother.

Q When did he die? A He died the 28th of September five years ago.

Q He was living in Washington and you with him there when he died? A Yes sir.

Q You never lived with him in the Territory? A Yes sir, we owned a place on Blue.

Q When did you first come to the Territory? A About ten years ago.

Q How long did you remain here then? A Over two years.

Q And then went back to Washington? A Yes sir.

Q How long did you remain there? A I remained there I guess about three years altogether and I came back here again.

Grace M. Pitchlynn #2)

Q How long did you stay here when you came back? A Between three and four years.

Q Then you went back to Washington? A Yes sir.

Q How long did you remain there then? A I guess about two years.

Q When did you return to the Territory then? A Three years ago; I was out here and staid about a year and a half and went back and then I came back here this last month.

Q What time did you go back? A About a year and a half ago. I went back about 1897.

Q You came here just last month? A Yes sir.

Q Have you married since? A No sir.

Q You are still living a widow? A Yes sir.

Q Have your children been living with you? A Yes sir, every time I came here they came too.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

This Indenture, made this 21st day of July 1891 between Thomas Pitchlynn and Grace Pitchlynn, his wife and Samuel Adams, all of the County of Blue Indian Territory.

Witnesseth: That the said party of the first part in consideration of Fifteen Hundred Dollars, in hand paid or secured to be paid, hath sold and by these presents does grant, give, bargain and sell to the said Samuel Adams of the second part, his heirs and assigns all that tract or parcel of land situated in the County of Blue Choctaw Nation Indian Territory and discribed as follows to wit: All my right title and interest in all improvements (Inculding the old Russell Cross improvements also the improvments of Robert Nail) by Mrs Ann E. Reams North of the Blue also all home improvments made since August 1884.

I also sell all the personal property stock etc on the place except one Oak Bed room set of furniture and one Saddle and bridle, also all out houses fences and buildings of all kinds whatsoever located on the lands known as the Robert Nail place situated North of Blue River and East of the M. K. & T. Rail Way, deeded to me by T. J. Manning of Caddo, Indian Territory also take in the horse shoe bend.

Witness our signatures and seals this 21st day of July 1891.

Witness [illegible] Tom Pitchlynn (Seal)

J. M. Perreard Grace M. Pitchlynn (seal)

District of Columbia, ss:

I Lewis L O'Neal, a Notary Public in and for the District aforesaid, do hereby certify that Tom Pitchlynn, party of a certain deed bearing date on the 21st day of July A.D. 1891 and hereunto annexed, personally appeared before me in the District Aforesaid, the said Tom Pitchlynn being personally well known to me to be the person who executed the said deed and acknowledged the same to be his act and deed.

Given under my hand and Notarial seal this 21st day of July A.D. 1891.

L. L. O'Neal
Notary Public

Rec'd & Recorded this 26th day of March A.D. 1892
M. F. Robinson
Clerk, D. C. C. N.

Choctaw Nation } Office of County
County of Blue } and Probate Clerk

I, C. N. James County
and Probate Clerk in and for Blue County
Choctaw Nation do hereby Certify that
the foregoing Bill of Sale bearing
date of July 21st 1899 is a true and
correct copy from the records of
this County.

In witness where of I hereunto set
My hand and Official Seal this 4th day
of November A.D. 1899

C. N. James
County and Probate Clerk in and
for Blue County Choctaw Nation.

To any Minister of the Gospel

Authorized to Celebrate Marriages in the District of Columbia,

Greeting:

You are hereby Licensed to Solemnize the Rites of Marriage between

Thomas Pitchlynn, of Washington D.C.

AND

Grace M. Dorsey, of do

if you find no Lawful Impediment thereto; and having so done you are commanded to appear in the Clerk's Office of the Supreme Court of said District and certify the same.

Witness my hand and the seal of said Court this 12th day of January, 1891.

True Copy Test J.K. Hall Polk

R. J. Meigs, Clerk.

Page 149, Vol. 15

By W.A. Baldacy, Ass't Clerk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, July 26, 1900.

In the Matter of the Application of Grace M. Pitchlyn et al, for enrollment as citizens of the Choctaw Nation. : D. 349- Choc.

Grace M. Pitchlyn, being first duly sworn, testified as follows:

By Mr. Bixby:

Q What is your name? A Grace M. Pitchlyn.
Q What is your postoffice address? A Caddo.
Q This is the second time you have appeared before this Commission?
A Yes sir.
Q When was it you applied the first time? A That was at Caddo.
Q Do you remember what day of the month, or the year, that was?
A I don't remember what day it was, but it was while they were enrolling at Caddo.
Q Last year? '99? A Yes sir.
Q You were married January 12, 1881, to Thomas Pitchlyn? A Yes sir.
Q In Washington, D. C.? A Yes sir.
Q At the time you were married, you were a resident of Washington, D. C., and you are a white woman, are you? A Yes sir.
Q Was your husband Thomas Pitchlyn, a Choctaw Indian? A Yes sir.
Q He was fully recognized by the tribe? A Yes, indeed.
Q Do you know of your own knowledge whether or not his name was on the tribal rolls when he was alive? A I think it was.
Q You don't know of your own knowledge? A No, I don't know; I would not be positive.
Q You never saw it on the roll? A No sir.
Q Do you know of his ever drawing any money as a Choctaw? A The only way I have my knowledge is the net proceeds claim.
Q What year did he draw that? A I can't exactly tell you.
Q It was after you was married? A Yes indeed, It was about 12 years ago.
Q What was yyour husband doing in Washington at the time of your marriage? A He was in the Government printing office.
Q Who was his father? A Col. P. P. Pitchlyn; he used to be Chief of the tribe.
Q He was a Choctaw? A Yes sir.
Q And at one time the Chief of the tribe? A Yes sir.
Q How long had your husband lived in Washington when he married you?
A He was born here; he was about 4 or 5 years old when he left here and went to Washington; I have heard his mother say that.
Q How long did you live in Washington after your marriage? A I was married in '81 and I came out here in '88 or '89 and lived here.
Q How long did you live here after arriving from Washington? A I lived here a little over two years.
Q What was your husband doing here? A We had a large place out on the Blue.
Q That brings us down to about 1890? A Yes, '88-'90, somewhere along there.
Q Then where did you and your husband go? A To Washington.
Q For what purpose? A My health was very bad and the doctor advised me to go back. I owned this place, and I went back home to

Washington, and put my little boys at school. I expected to hold this little place here, and while I was there he sold this little place.

Q Did your husband accompany you back to Washington? A He went back before I did. He was shot out here, and went to be operated on; I went back about two months after he did.

Q How long did you stay in Washington then? A I guess I was there fully four years altogether, but I told you how it was I staid there after I went there. He sold the place out here, and I didn't know he had sold the place out here until I come back and found it, although I heard he had. I couldn't get information enough, and I came back and found my place was sold, although the place was mine and the stock was mine my oldest sons' Paul. I had four little boys to support and I didn't know a thing to do in Washington.

Q That brings us up to '94. Where did you reside in '94?

A In Washington. I have only been back and forth out there and here.

Q You told me a minute ago that you lived in Washington from 90 to '94. Did you live there continuously? A Yes, right there.

Q You didn't come back here during the four years, '90 to '94? A No.

Q Then you came back about '94? A Yes sir.

Q How long did you stay there? A I guess I was out here between five and six months; I would have staid longer if I had that place. I had four children to take care of--

Q Then you went back to Washington? A Yes sir.

Q How could you better take care of your children in Washington then here? A Because I have a mother there, and she would help me.

Q She would help you in Washinton? A Yes, I could send them there to go to free school. I had a letter written me about selling the place here, but I would not believe it.

Q When did you come back here? A I came back here over a year now, keeping house.

Q You came out here in '94 and staid a few months and went back to Washington. When did you come back again? A I came a year ago, in '96. I was here about four years before the Dawes Commission came.

Q You was here in '96? A Yes sir.

Q How long did you stay in '96? A I was here I guess, about 6 months. Somewhere near that.

Q Then you went back to Washington? A Yes, I went there and went to work.

Q At what? A In Jordenett printing office.

Q As a printer? A Yes sir, I did general book work.

Q Then you came back again in '97-8? A No, not until I came back the last time. I have been here a year now. That makes it '98, don't it; I have been here a few days over a year.

Q You was not here the 28th of June, 1898? A No, I was not because I couldn't get here, because I didn't have the money and I had to work and raise the money to come out here. School closed and as soon as I could get the money I came out here. We paid $3000 for that place, and he just got $600 for that place out there

Q But you didn't furnish the money to buy the place with, or the stock

A No, I hadn't a thing.

Q It was bought with the net proceeds money that he got? A Yes

Q Have you any property in Washington? A No sir.

Q You have no home in Washington except your mother's home?

A No, and she is boarding. She has no family herself; she is all alone. My father is out here. He has been out here off and on for 12 years.

Q When your place was sold, it was sold without your knowledge?

A Yes, and when I accused my husband of it, he said it was nothing of the kind--at least my father accused him of it. He said the place was all right.

Q How could he sell the place if it was yours? A He sold it. I had a hard time to get this place.

Q Did you sign this bill of sale? A No, I didn't.

Q Did you ever demand restitution of this property? A No sir.

Q Why not? A I don't know; I thought if I succeeded in getting on

the roll I would try and get it back.
Q Is your signature to this bill of sale, which is a bill of sale between Thomas Pitchlynn and Grace Pitchlyn, his wife, and Sam Adams, dated the 21st day of July, 1891, a forgery?
A Yes, it certainly is. I never signed a paper of any kind.
Q Your husband had no power of attorney to act for you in this behalf
A No, he could not have sold it under any consideration.
Q It seems to have been executed in Washington? A Yes, it was.
Q The signatures are made under seal? A Yes, but I didn't sign it.
Q And acknowledged by a Notary? A I give you my word and honor as a lady, I never signed it.
Q You considered this property as your home, you say? A Yes, I did.
Q Do you still consider that you still have any interest in this property? A Of course this man that bought the place is known in the Territory and will stay there now I suppose. I would like to get that place back if I possibly could. If I succeed in getting on the rolls, I was going to fight for that place because it was sold without my knowledge or consent. It was a home I appreciated and liked very much and so did my children.
Q What are the names and ages of your children? A Paul P., 18, Earnest L. 16, Garland A., 14 and Carlysle M., 7 years.
Q Where are these children living now? A In the territory, except Paul my oldest boy; he went back to see his grandmother, but he is coming back in a month's time.
Q How long have they been living in the Territory? A Ever since I have been here. I have always brought them with me; never left them.

Rolls of the Choctaw Nation examined, and the name of Grace M. Pitchlynn found on page 264, No. 10405 Roll of the Choctaw Nation No. 1, the name of Garland A. Pitchlynn found on same page, No. 10400, Carlysle M. same page No. 10401, Everett L. same page, No. 10403 and Paul P., same page, No. 10404.

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Frances R. Brown being first duly sworn, says that as stenographer to the Commission th the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete translation of her stenographic notes in said case.

Frances R. Brown

Subscribed in my presence and sworn to before me this 14th day of August, A. D., 1900.

Acting Chairman.

District of Columbia, SS:-

Personally appeared before me in the District aforesaid, Grace M. Pitchlynn, who, being sworn deposes and says:

That she is the widow of Thomas Pitchlynn, late a recognized citizen of the Choctaw Nation, who died on September 28th 1893, and that since the death of said Thomas Pitchlynn she has not married and was therefore, on the 25th day of September 1902, as she has been ever since the death of said Thomas Pitchlynn, a widow. Mrs Grace M. Pitchlynn

Subscribed and sworn to before me this 4th day of November A.D. 1902.

John Scrivener.
Notary Public,
D. C.

District of Columbia SS.

Personally appeared before me in the District aforesaid Frederick A Stier and Geo E Gartrell who being sworn deposes and says.

That the above statements made by Grace M Pitchlynn is true

Frederick A Stier
Geo E Gartrell

Subscribed and sworn to before me this 5th day of November 1902

Albert S Gatley
Notary Public

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, I. T., December 22nd, 1902.

Choctaw D-349
Intermarried

---------oOo---------

In the matter of the application of Grace M. Pitchlynn for enrollment as an intermarried citizen of the Choctaw Nation, and for the enrollment of her four minor children Paul P., Earnest L., Garland A. and Carlisle M. Pitchlynn as citizens by blood of the Choctaw Nation.

Grace M. Pitchlynn being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Grace M. Pitchlynn.
Q How old are you? A About thirty-eight.
Q What is your post office address? A Caddo.
Q Do you live at Caddo? A Yes sir.
Q How long have you been residing in the Choctaw Nation?
A Fourteen years altogether.
Q Have you lived there continuously for the past fourteen years?
A No sir, not all the time.
Q How long have you been residing continuously in the Choctaw Nation? A Very near four years?
Q Where did you live before that? A Well, in Washington, D. C. I went there to visit my mother there.
Q You say you have been residing in the Choctaw Nation continuously at Caddo for about four years? A Between three and four years, over three.
Q Where did you live before that? A Washington.
Q When did you come from Washington to the Choctaw Nation?
A For the first time you mean?
Q No? A The last time?
Q The last time? A Well, it's 1902 now and that was in 1898, I think it was.
Q What time? Do you remember the exact date? A I couldn't unless my paper here - - - I have my paper here that I got from the Dawes Commission.
Q You are a white woman are you? A Yes sir.
Q You are an applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband? A Thomas Pitchlynn.
Q When did you marry him? A 1881.
Q Where? A Washington, D. C.
Q At the time you married him you were a resident of the District of Columbia? A Yes sir.

Q When was you married to Thomas Pitchlynn? A January 12, '81.
Q 1881? A Yes sir.
Q You were married in the District of Columbia? A Yes sir.
Q What was Thomas Pitchlynn doing in Washington? A Well, he was in the office there with his family--him and his family--and I don't know how long he had been there.
Q How long after your marriage in 1881 did you live in the District of Columbia? A Well I came out here in 1888.
Q Had you any children born to you before you left Washington?
A Yes sir, three little boys.
Q What are their names? A Paul, Earnest and Garland.
Q They were born before you left Washington? A Yes sir.
Q Now when you came here in 1888 you came with your husband and these three children? A Yes sir.
Q Whwre did you come to? A Caddo, Indian Territory.
Q How long did you stay there? A Over two years, going on three, and he was shot out here and went back to his mother's to be operated on and about three months afterwards I went there.
Q That was in 1890? A Yes sir.
Q You had then been in the Choctaw Nation two years with your family
A Yes sir, over two years.
Q How long did you stay in Washington that time? A I was there four or five years; I think it was about that time.
Q When did your Choctaw husband die? A Died '96.
Q Did he die here in the Choctaw Nation? A No sir, in Washington city.
Q You was living there up to the time of his death after you went back there? A Yes sir, in Washington.
Q Where was the youngest child, Carlisle, born? A Washington. I had a girl born out here but she died.
Q After the death of Thomas Pitchlynn - - you say that was in Washington in 1896? A Yes sir.
Q What did you do then? A Well I stayed there for a while and then came back out here.
Q How long did you stay there after the death of your husband?
A Was there I guess three or four years.
Q How long? A Three or four years; somewhere along there. I can't exactly remember the time that I was there.
Q Then you came to the Choctaw Nation? A Yes sir, I have just been going back and forth four teen years, but most of my time I was out here.
Q Have these children been with you all the time? A Yes sir.
Q Where are the children now? A Caddo.
Q How long have they been there? A Well, they been going backward and forth with me; I always take them with me.
Q Now you say you been here this last time about three years?
A Yes sir.
Q Where were you between the time of your husband's death in 1896 and the time you came here to live three years ago? A Washington city.
Q What were you doing there? A Nothing particularly, only depending on my mother to take care of me and my children.
Q Didn't your husband leave you anything? A No sir.

Q Didn't he own property in the Choctaw Nation? A He owned a nice farm on Blue in the Choctaw Nation but he sold it; but I have a place here now; but at that time he was shot and went back to his mother to be operated on.
Q Have you since the death of Thomas Pitchlynn remarried? A No sir, been a widown nine years; never married.
Q Do you own any property in the District of Columbia? A No sir.
Q Oen any property anywhere? A Out here; I have a place out here.
Q How long have you had that place? A Well, not very long.
Q Now you state when your husband died you had a farm down on Blue in the Choctaw Nation? A yes sir. Just before he died he sold his place--the Widow Reem's place--Colonel Brown's wife; she was a widow when we bought it.
Q You say you married your husband in Washington in 1881? A Yes sir.
Q And after your marriage to him you didn't come here until 1890; that will be nine years you lived in Washington? A Yes sir.
Q What was he doing there during these nine years? A Working in the government printing office.
Q Did he own any property there? A No sir.
Q He was an employe of the United States government? A Yes sir.
Q Did he hold that place up to the time of his death? A No sir, he came out here and gave it up and we owned that place down on Blue and he gave that position up up there and came out here and wouldn't gone away again from here if he had not been shot, but he didn't die from that shot; he died from pneumonia.
Q Were his father and mother living in Washington? A His mother was; his father died in January, '81, the first week after we was married. He was a delegate there; he used to be chief of the Choctaw tribes for years and he was sent there as a delegate.

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Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 29 day of January, 1903.

Charles H. Sawyer

Notary Public.

7-D-349

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Grace M. Pitchlynn as a citizen by intermarriage, and of Paul P. Pitchlynn, Earnest L. Pitchlynn, Garland A. Pitchlynn and Carlisle M. Pitchlynn as citizens by blood, of the Choctaw Nation.

--;; D E C I S I O N ;;--

It appears from the census card record in this case that Grace M. Pitchlynn appeared before the Commission at the session held at Caddo, Indian Territory, beginning August 21, 1899 and ending August 25, 1899, and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of her minor children, Paul P. Pitchlynn, Earnest L. Pitchlynn, Garland A. Pitchlynn and Carlisle M. Pitchlynn, as citizens by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on July 26, 1900, and at South McAlester, Indian Territory, on December 2, 1902.

It appears from the record herein that the applicant, Grace M. Pitchlynn, nee Dorsey, was lawfully married to Thomas Pitchlynn, a recognized citizen by blood of the Choctaw Nation, and that the minor applicants herein are the offspring of said marriage.

An examination of the tribal rolls of the Choctaw Nation in the possession of the Commission shows that the names of Grace M. Pitchlynn, Paul P. Pitchlynn, Earnest L. Pitchlynn, Garland A. Pitchlynn and Carlisle M. Pitchlynn, the applicants herein, are found upon the 1896 Choctaw Census roll, page 264, being numbers 10405, 10404, 10403, 10400 and 10401 thereon, respectively.

It further appears from the records of the Commission that on September 4, 1896, in the case entitled "Edward E. Pitchlynn, et al., Lee Pitchlynn and Grace M. Pitchlynn, et al. vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 589), original application was made to this Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for the admission of Grace M. Pitchlynn as a citizen by intermarriage of the Choctaw Nation, by virtue of her marriage to said Thomas Pitchlynn, and for the admission of Paul P. Pitchlynn, Earnest L. Pitchlynn, Garland A. Pitchlynn and Carlisle M. Pitchlynn as citizens by blood of said Nation; and on December 2, 1896 the said Grace M. Pitchlynn was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, and the said Paul P. Pitchlynn, Earnest L. Pitchlynn, Garland A. Pitchlynn

and Carlisle M. Pitchlynn were admitted to citizenship in the Choctaw Nation as citizens by blood, from which decision of the Commission no appeal was taken.

It appears from the evidence in this case that the said Thomas Pitchlynn resided in the city of Washington, D. C. with his father, Peter Pitchlynn, (who was for many years Chief of the Choctaw Nation, and who represented the Choctaw Nation as a Delegate at Washington, D. C. continously from 1866 to the date of his death in 1881); that the said Thomas Pitchlynn was in the employ of the government at Washington, D. C. at the time of his marriage to the principal applicant herein and continued in such employ until 1888, when he and the applicants herein removed to the Choctaw Nation, where he engaged in farming, and in 1890, on account of an accident received, he returned to said city of Washington for treatment in a hospital, where he soon died, the applicants herein returning in the same year to said city; that the principal applicant herein remained in Washington, D. C., there supporting and educating her children, except for periodical visitations to the Choctaw Nation, until 1899, since which time all the applicants herein have had a permanent residence in the Choctaw Nation; that since the death of her said husband the principal applicant has not remarried up to and including September 25, 1902.

It further appears from the evidence that the principal applicant herein had property rights and interests in the tribal lands and some personal property in the Choctaw Nation since 1888 and that the applicants herein never intended to abandon their Choctaw home and fix a permanent domicile in said city of Washington and have not relinquished their rights as Choctaw citizens.

Following the rule laid down in the case of Joseph D. Yeargan, et al. vs. Cherokee Nation, I. T. D. 2900-1903, it is the opinion of this Commission that Grace M. Pitchlynn should be enrolled as a citizen by intermarriage and that Paul P. Pitchlynn, Earnest L. Pitchlynn, Garland A. Pitchlynn and Carlisle M. Pitchlynn should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

COMMISSIONER.

Commissioner.

Muskogee, Indian Territory,
DEC 5 1903

COPY. Choctaw D 349

Muskogee, Indian Territory, December 5, 1903.

Grace M. Pitchlynn,

Caddo, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered December 5, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage, and of your children, Paul P., Earnest L., Garland A. and Carlisle M. Pitchlynn as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nation have been furnished a copy of this decision and have been allowed fifteen days from the date hereof in which to file protest against the action of the Commission in enrolling you and your children as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. 7-D-349.

Choctaw D 349

Muskogee, Indian Territory, December 5, 1903.

Charles E. McPherren,
Attorney at Law,
Caddo, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes rendered a decision, dated December 5, 1903, granting the application of Grace M. Pitchlynn for the enrollment of herself as a citizen by intermarriage, and of her children Paul P., Earnest L., Garland A. and Carlisle M. Pitchlynn as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof in which to file protest against the action of the Commission in enrolling said Grace M. Pitchlynn and children as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Chairman.

COPY. Choctaw D 349

Muskogee, Indian Territory, December 5, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered December 5, 1903, granting the application of Grace M. Pitchlynn for the enrollment of herself as a citizen by intermarriage, and of her children Paul P., Earnest L., Garland L. and Carlisle M. Pitchlynn as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file protest against the action of the Commission in enrolling said Grace M. Pitchlynn and children as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

Enc. 7-D-349.

Original
Choctaw
Delinquent.

Department of the Interior.
Commission to the Five Civilized Tribes,
Garvin, Ind. Ter., Nov. 25,1902.

In the matter of the original application of William Eddie Forbis for enrollment as a citizen by blood of the Choctaw Nation.

William Eddie Forbes, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A William Eddie Forbes.
Q What is your age? A Thirty two.
Q What is your post office address? A Garvin, Indian Territory.
Q What is the name of your father? A Albert Forbes.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir.
Q What is the name of your mother? A Jane Forbes.
Q Is she living? A Yes sir.
Q Is she a citizen by blood of the Choctaw Nation? A Yes sir,---- oh, no sir, my mother is a white woman.
Q Your father is living, is he? A Yes sir.
Q In what county were you born? A I was born in Texas.
Q How long have you lived in the Choctaw Nation? A Twenty seven years, my father moved to the Choctaw Nation when I was five years old.
Q Have you always been recognized as a citizen of the Choctaw Nation? A Yes sir.
Q Did you draw the 1893 Leased District payment? A Yes sir.
Q At what place? A Shawneetown.
Q Were you a married man at that time? A Yes sir.
Q What was the name of your wife at that time? A Minerva.
Q Did you have any children? A Yes sir.
Q What were their names? A Nancy.
Q Did you draw the leased district money for your wife Minerva and your child, Nancy? A Yes sir.
Q Was the money paid to you? A Yes sir.
Q Did you ever appear before the Commission to the Five Civilized Tribes as an application for enrollment? A No sir, never was.
Q Why? A I was not here at the time of the enrollment at Sulphur Springs and I never was able to go to Muskogee.
Q Where were you living at the time the Dawes Commission made their enrollment? A I was in Texas. I got in a little trouble, and went over there, and came back in five or six months and have been here ever since.
Q You and your wife Minerva have separated? A Yes sir.
Q And you have since married again? A Yes sir.
Q Did you marry a citizen of the Choctaw Nation? A Yes sir.
Q What was her name? A Nellie Washington.
Q When were you married to Nellie Washington? A I have a certificate at home.
Q You have your marriage certificate at home? A Yes sir.

You should furnish that certificate to the Commission as early as you possibly can as authority for the change of her name upon our records from Nellie Washington to Nellie Forbes.

Q Are you a full blood Choctaw? A No sir, I am half; my mother is a white women, and my father is a full blood.
Q Were you a resident of Indian Territory in June 1898? A Yes sir.
Q And you have resided here ever since that time? A Yes sir.

Albert Forbes, called as a witness, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Albert Forbes.
Q How old are you? A Sixty.
Q You are a citizen by blood of the Choctaw Nation. A Yes sir.
Q Do you know William Eddie Forbes? A Yes sir.
Q Is he your son? A Yes sir.
Q Did he draw the 1893 leased district payment money? A Yes sir.
Q At what place did he draw it? A Shawneetown.
Q Do you remember when this Commission was making the enrollment at Sulphur? A Yes sir.
Q Where was William Eddie Forbes at that time? A In Texas.
Q Did he have some trouble that made him run over into Texas?
A Yes sir.
Q How long did he stay there? A About five or six months.
Q Is he your son by a white wife? A Yes sir.
Q Can you furnish the Commission with evidence of your marriage to your wife? A I have done it--the evidence is on file with the Commission.

(Witness excused)

Robert Taylor, called as a witness, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Robert Taylor.
Q How old are you? A Forty nine or fifty.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q What official position do you hold? A County judge of Red River county.
Q Do you know thi s applicant, William Eddie Forbes? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q Has he always lived in the Choctaw Nation since you haveknown him?
A Yes sir.
Q Do you know whether he drew the 1893 Leased District money?
A I don't know myself, I heard that he drew it.
Q He is a son of Albert Forbes? A Yes sir.
Q And his mother is a white woman? A Yes sir.

(Witness Excused)

(The name of the applicant, William Eddie Forbes, appears upon the 1893 Leased District Payment roll, Red River Co., page 23, No.189, as Addie Forbis.)

---oOo---

Harry C Risteen being first duly sworn upon his oath states: That as Stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause

on the 28th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Rider

Subscribed and sworn to before me this 15 day of December, 1902.

D. C. Bulger

Notary Public.

Original
Choctaw
Delinquent.

Department of the Interior.
Commission to the Five Civilized Tribes/
Garvin, Ind. Ter., Nov. 25,1902.

In the matter of the original application of William Eddie Forbis for enrollment as a citizen by blood of the Choctaw Nation.

William Eddie Forbes, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A William Eddie Forbes.
Q What is your age? A Thirty two.
Q What is your post office address? A Garvin, Indian Territory.
Q What is the name of your father? A Albert Forbes.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir.
Q What is the name of your mother? A Jane Forbes.
Q Is she living? A Yes sir.
Q Is she a citizen by blood of the Choctaw Nation? A Yes sir,---- eh, no sir, my mother is a white woman.
Q Your father is living, is he? A Yes sir.
Q In what county were you born? A I was born in Texas.
Q How long have you lived in the Choctaw Nation? A Twenty seven years, my father moved to the Choctaw Nation when I was five years old.
Q Have you always been recognized as a citizen of the Choctaw Nation? A Yes sir.
Q Did you draw the 1893 Leased District payment? A Yes sir.
Q At what place? A Shawneetown.
Q Were you a married man at that time? A Yes sir.
Q What was the name of your wife at that time? A Minerva.
Q Did you have any children? A Yes sir.
Q What were their names? A Nancy.
Q Did you draw the leased district money for your wife Minerva and your child, Nancy? A Yes sir.
Q Was the money paid to you? A Yes sir.
Q Did you ever appear before the Commission to the Five Civilized Tribes as an application for enrollment? A No sir, never was.
Q Why? A I was not here at the time of the enrollment at Sulphur Springs and I never was able to go to Muskogee.
Q Where were you living at the time the Dawes Commission made their enrollment? A I was in Texas. I got in a little trouble, and went over there, and came back in five or six months and have been here ever since.
Q You and your wife Minerva have separated? A Yes sir.
Q And you have since married again? A Yes sir.
Q Did you marry a citizen of the Choctaw Nation? A Yes sir.
Q What was her name? A Nellie Washington.
Q When were you married to Nellie Washington? A I have a certificate at home.
Q You have your marriage certificate at home? A Yes sir.

You should furnish that certificate to the Commission as early as you possibly can as authority for the change of her name upon our records from Nellie Washington to Nellie Forbes.

Q Are you a full blood Choctaw? A No sir, I am half; my mother is a white woman, and my father is a full blood.
Q Were you a resident of Indian Territory in June 1898? A Yes sir.
Q And you have resided here ever since that time? A Yes sir.

Albert Forbes, called as a witness, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Albert Forbes.
Q How old are you? A Sixty.
Q You are a citizen by blood of the Choctaw Nation. A Yes sir.
Q Do you know William Eddie Forbes? A Yes sir.
Q Is he your son? A Yes sir.
Q Did he draw the 1893 leased district payment money? A Yes sir.
Q At what place did he draw it? A Shawneetown.
Q Do you remember when this Commission was making the enrollment at Sulphur? A Yes sir.
Q Where was William Eddie Forbes at that time? A In Texas.
Q Did he have some trouble that made him run over into Texas?
A Yes sir.
Q How long did he stay there? A About five or six months.
Q Is he your son by a white wife? A Yes sir.
Q Can you furnish the Commission with evidence of your marriage to your wife? A I have done it--the evidence is on file with the Commission.

(Witness excused)

Robert Tayler, called as a witness, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Robert Taylor.
Q How old are you? A Forty nine or fifty.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q What official position do you hold? A County judge of Red River county.
Q Do you know thi s applicant, William Eddie Forbes? A Yes sir.
Q How long have you known him? A Ever sibce he was a boy.
Q Has he always lived in the Choctaw Nation since you haveknown him?
A Yes sir.
Q Do you know whether he drew the 1893 Leased District money?
A I don't know myself, I heard that he drew it.
Q He is a son of Albert Forbes? A Yes sir.
Q And his mother is a white woman? A Yes sir.

(Witness Excused)

(The name of the applicant, William Eddie Forbes, appears upon the 1893 Leased District Payment roll, Red River Co., page 23, No.189, as Addie Fobbis.)

---oOo---

Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause

on the 25th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry Ritter

Subscribed and sworn to before me this 3 day of December, 1902.

P. C. Bolger

Notary Public.

SPECIAL ATTENTION GIVEN TO ALL COLLECTIONS.

PROMPT REMITTANCES MADE.

LOANS NEGOTIATED.

NONE BUT BEST FIRE INSURANCE COMPANIES REPRESENTED.

WILLIAM NOBLE,

REAL ESTATE, FIRE INSURANCE

AND RENTAL AGENT.

ACCOUNTS AND NOTES COLLECTED, BOUGHT, SOLD AND EXCHANGED.

ESTABLISHED IN BUSINESS IN 1889.

South McAlester, Ind. Ter., Dec 8, 1899. 1899.

Mr, L.A. Morris.

Caddo, I.T.

Dear Sir:-

Your favor of 6th, inst, to hand.

In reply will say that I don't remember the transaction you speak of, It is probable that I wrote the bill of sale, but can't remember of writing it.

I was a United States Commissioner at the time, and more than likely acknowledged the instrument you speak of.

I remember of a Mr, Pitchlynn coming from Washington City to Caddo, about the year 1888 ot 1899, who bought a farm near Caddo, and who lived on the place for some time, but whether he bought the farm from Mrs Ream or not? I can't remember,

I also remember of hearing of Mrs, Ream selling her farm, and moving to Mr, Browns farm(after they were married)

Mrs, Ream lives in the Chickasaw Nation, near Tishomingo, ~~why don't~~ I would suggest that you write to her, and get what information you can from her?

If you can help me to call the transaction to memory, or if I can be of service to you command me.

Yours truly.

Wm Noble.

A4

Muskogee, Indian Territory, June 27, 1900.

Mr. L. A. Morris,

Durant, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 16th, in which you inquire whether the application for enrollment of Mrs. Grace Pitchlyn for herself and children has been acted upon.

In reply to your letter you are advised that the Commission has not yet passed upon the applications of doubtful claimants to enrollment in the Choctaw and Chickasaw Nations, but contemplates doing so in the near future. Until this is done, no final decision can be rendered in the case of Mrs. Grace Pitchlyn. The Commission is not satisfied with the testimony as to residence of Mrs. Grace Pitchlyn.

Yours truly,

Acting Chairman.

In reply to this letter,
please refer to T-P 348

Muskogee, Indian Territory, August 20,1900.

Mrs. Grace M. Pitchlyn,

Caddo, Indian Territory,

Dear Madam:

There is inclosed you herewith a copy of the decision rendered by the Commission, granting your application for enrollment of yourself and your minor children named therein.

Yours truly,

Acting Chairman.

2-20

Sub. for 2nd page letter to Grace Patchlyn

7-D 349

G P E

Commission have reliable information of your status on the date of the final ratification of the agreement, September 25, 1902.

It is not requisite for you to personally appear before the Commission to testify as to your status and if it is impracticable for you to do so, the Commission will accept your affidavit corroborated by two reliable witnesses showing that you are the widow of a recognized citizen of the Choctaw Nation and that you have not since the death of your Choctaw husband married a non-citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

7-L 349

Enl

G P 2

In order for you to be duly enrolled as a citizen by intermarriage of the Choctaw Nation it will be necessary that the Commission have reliable information of your status on the date of the final ratification of the agreement, September 26, 1902.

It is not requisite for you to personally appear before the Commission to testify as to your status and if it is impracticable for you to do so you may furnish the Commission with your affidavit corroborated by two reliable witnesses showing that you are the widow of a recognized citizen of the Choctaw Nation and that you have not since the death of your Choctaw husband married a non-citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Choctaw D 349

Muskogee, Indian Territory, October 18, 1902.

Mrs. Grace Pitchlynn,
1223 8 St. N. W.,
Washington, D. C.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, acknowledging receipt of circular letter of the Commission of the 4th instant, and inviting especial attention to the clause thereof relative to intermarried citizens.

You state that your application was granted on August 23, 1900, and desire to be informed if it is necessary for you to appear in person before the Commission.

In reply to your letter you are advised that on September 25, 1902, there was ratified by the citizens of the Choctaw and Chickasaw Nations, an agreement closing the rolls of the citizens of the Choctaw and Chickasaw Nations on that date.

The rolls as now being made by this Commission of the citizens of these two tribes will be as of September 25, 1902 and it is necessary that the Commission ascertain the status of all applicants for enrollment as intermarried citizens on the date of the final ratification of such agreement.

G P 2

In order for you to be duly enrolled as a citizen by intermarriage of the Choctaw Nation it will be necessary that the Comm ission have reliable information of your status on the date of the final ratification of the agreement, September 25, 1902.

It is not requisite for you to personally appear before the Commission to testify as to your status and if it is impracticable for you to do so you may furnish the Commission with your affidavit corroborated by two reliable witnesses showing that you are the widow of a recognized citizen of the Choctaw Nation and that you have not since the death of your Choctaw husband married a non-citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

Choctaw D 349

Muskogee, Indian Territory, October 18, 1902.

Mrs. Grace Pitchlynn,

Washington, D. C. 1223 8 St. N. W.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, acknowledging receipt of circular letter of the Commission of the 4th instant, and inviting especial attention to the clause thereof relative to intermarried citizens.

You state that your application was granted on August 23, 1900, and desire to be informed if it is necessary for you to appear in person before the Commission.

In reply to your letter you are advised that on September 25, 1902, there was ratified by the citizens of the Choctaw and Chickasaw Nations, an agreement closing the rolls of the citizens of the Choctaw and Chickasaw Nations on that date.

The rolls as now being made by this Commission of the citizens of these two tribes will be as of September 25, 1902 and it is necessary that the Commission ascertain the status of all applicants for enrollment as intermarried citizens on the date of the final ratification of such agreement.

In order for you to be duly enrolled as a citizen by intermarriage of the Choctaw Nation it will be necessary that the

O P 2

Commission have reliable information of your status on the date of the final ratification of the agreement, September 25, 1902.

It is not requisite for you to personally appea r before the Commission to testify as to your status and if it is impracticable for you to do so, the Commission will accept the testimony of two reliable witnesses.

Respectfully,

Acting Chairman.

Choctaw D 349

Muskogee, Indian Territory, November 10, 1902.

Mrs. Grace Pitchlynn,

1223 8 St., N. W.,

Washington, D. C.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of Frederick A. Stier and Geo. E. Cartrell and the same have been duly filed in the record in the matter of the application of Grace M. Pitchlynn for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully ,

Acting Chairman.

Muskogee, Indian Territory, November 20, 1902.

Ernest Pitchlynn,

Caddo, Indian Territory.

Dear Sir:

I am in receipt of your telegram of the 19th instant as follows:

"Is it necessary for Mrs. Grace Pitchlynn to appear before Commission. Answer."

I have not replied to your telegram by wire for the reason that it is impracticable to do so in the manner desired.

Relative to the rights of your mother, Grace M. Pitchlynn, to enrollment as a citizen by intermarriage of the Choctaw Nation, the record in this case shows that she was a white woman and was on the 12th day of January, 1881, at the city of Washington, D. C., married to Thomas Pitchlynn, a citizen by blood of the Choctaw Nation; that she resided with Thomas Pitchlynn until his death on the 28th day of September, 1894 and that she has not since the death of her Choctaw husband remarried.

The record of her marriage and her status as an intermarried citizen of the Choctaw Nation on September 25, 1902, is sufficient, but upon her bona fide residence in the Indian Territory depends the question of her right to enrollment as a citizen by intermarriage of the Choctaw Nation. Considerable testimony

EP 2

has been taken in this case relative to the actual residence of your mother, Grace M. Pitchlynn but I do not feel warranted at this time in advising that the present record on this point is sufficient to determine her right to be finally enrolled as a citizen by intermarriage of the Choctaw Nation.

The act of Congress of June 28, 1898, specifically provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

While your mother claims that she was and is a resident of the Choctaw Nation, still the record shows that she has for the greater part of the time since her marriage to Thomas Pitchlynn January 12, 1881, actually resided in the city of Washington, D. C.

Mrs. Pitchlynn has expressed her intention of becoming an actual bona fide resident of the Choctaw Nation but has been precluded therefrom owing to certain conditions.

The matter of the presentation of additional testimony on this point is one that must be decided by her. I would not at this time express any opinion as to the probable disposition of the application of your mother for enrollment as a citizen by intermarriage of the Choctaw Nation but can only advise that if no additional testimony is introduced in this case prior to December 24, 1902, that the Commission will then render its decision

has been taken in this case relative to the actual residence of your mother, Grace M. Pitchlynn but I do not feel warranted at this time in advising that the present record on this point is sufficient to determine her right to be finally enrolled as a citizen by intermarriage of the Choctaw Nation.

The act of Congress of June 28, 1898, specifically provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

While your mother claims that she was and is a resident of the Choctaw Nation, still the record shows that she has for the greater part of the time since her marriage to Thomas Pitchlynn January 12, 1881, actually resided in the city of Washington, D. C.

Mrs. Pitchlynn has expressed her intention of becoming an actual bona fide resident of the Choctaw Nation but has been precluded therefrom owing to certain conditions.

The matter of the presentation of additional testimony on this point is one that must be decided by her. I would not at this time express any opinion as to the probable disposition of the application of your mother for enrollment as a citizen by intermarriage of the Choctaw Nation but can only advise that if no additional testimony is introduced in this case prior to December 24, 1902, that the Commission will then render its decision

A/

E P S

relative to her rights to enrollment upon the record now made.

Respectfully,

Acting Chairman.

Choctaw D 349

Muskogee, Indian Territory, November 26, 1902.

Grace M. Pitchlynn,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you desire to be advised the date of the enrollment of yourself and your children.

In reply to your letter you are advised that it appears from our records that on August 23, 1899, Grace M. Pitchlynn, 37 years of age, of Caddo, Indian Territory, made application to this Commission for the enrollment of herself and her children, Paul P., Earnest L., Garland A. and Carlisle M. Pitchlynn as citizens of the Choctaw Nation. No decision has as yet been rendered in the matter of this application.

Respectfully,

Acting Chairman.

Choctaw D 349

Muskogee, Indian Territory June 3, 1903.

Charles E. McPherren,

Attorney at Law,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 29, asking the status of the enrollment of Grace M. Pitchlynn and her four children Paul P., Earnest, Garland and Carlisle Pitchlynn. You also desire to be informed if any further evidence is necessary in this case.

In reply to your letter you are informed that it appears from our records that Grace M. Pitchlynn, widow of Thomas Pitchlynn, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation and her four minor children Paul P., Earnest L., Garland A. and Carlisle M. Pitchlynn have been listed among the doubtful claimants to enrollment as citizens by blood of the Choctaw Nation but their final rights to such enrollment have not yet been determined. As soon as a decision is reached in this case the applicants will be notified of the action of the Commission.

In the event any further evidence is necessary to enable the Commission to determine the rights of these persons they will

C E M-2

be notified.

Respectfully,

Commissioner in Charge.

7-D 349

Muskogee, Indian Territory, December 2, 1903.

Mrs. Grace M. Pitchlynn,
Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 24, in which you ask if you have been approved by the Secretary of the Interior and by the Commission.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation and for the enrollment of your four minor children as citizens by blood of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

MEMORANDA.

(Date) Aug 23 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

W Wife's name, Grace M. Pitchlynn

Choctaw ? County Eagle Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

18 x	Paul P. Pitchlynn	County Eagle	Year 96	Page 264	No. 1
16 #	Earnest L. "	County "	Year "	Page "	No. 3
14	Garland A. "	County "	Year "	Page "	No. 10
6 =	Carlisle M. "	County "	Year "	Page "	No. 10
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

As to residence &c. of Edward C. Pitchlynn & wife &c. see Test. of Paul P. Pitchlynn.

" " " Earnest " " "

= " " Carlisle L " " "

1349

Choctaw 5705
Emery E. Heskett

5705

Transferred from Choc D 564
1-21-04

Commission to the Five Civilized Tribes,

McAlester, I.T., Nov. 16, 1899.

In the enrollment of Elisha Haskett as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Elisha Haskett.

Q How old are you? A Fifty.

Q You appeared before the Commission at South Canadian?

A Yes sir.

Q Claiming as an intermarried Choctaw citizen? A Yes sir.

Q You made a statement there under oath in regard to your case?

A Yes sir, I want to make a further statement. I was married, as I thought, in the Nation here, and by the Choctaw laws, as it ran on awhile and I thought it was all right, and the Council ordered me with some of the rest to appear at Council because I was living in adultery, as Mr. Cheadle said; said you had better go to work and marry under the Choctaw law; I went to work then and got up a petition and married according to Choctaw law, - that was in 1885. There was some question as to whether or not the man who first married me was a preacher, and for that reason I had to marry over.

Examined by Choc Att'y Shackelford:

Q You were divorced, who got the divorce? A Judge Lewis.

Q Who for, the woman or for you? A For me.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

[signature]

Commission to the Five Civilized Tribes,
South Canadian, Indian Terr.

In the enrollment of Emery E. Haskett as an intermarried Choctaw; Eliza Smith being sworn and examined by Com'r McKennon states:

Q What is your name? A Eliza Smith.

Q How old are you? A Fifty-five years old.

Q You stated in your evidence here yesterday that your husband from whom you had separated beat you, which one of the husbands was that? A Smith, the one we were talking about.

Elias R. Cheadle being sworn and examined states:

Q What is your name? A Elias R. Cheadle.

Q How old are you? A Forty.

Q Are you acquainted with E. E. Haskett? A Yes sir.

Q Do you know anything about his marriage to his wife Eliza?

A My recollection is that I drafted a petition asking for a license for Mr. Haskett to marry Mrs. Eliza Myers, and that's about all I know.

Q You don't know whether there was a license issued upon that or not? A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this is a correct and true, full and correct translation of my stenographic notes.

M D Owens

Department of the Interior

Commission to the Five Civilized Tribes,

South Canadian, Indian Terr.

In the enrollment of Emery E. Heskett as an intermarried Choctaw; being sworn and examined by Depin McKennon he states:

Q What is your name? A Emery E. Heskett.

Q How old are you? A Fifty years old.

Q You are a white man? A Yes sir.

Q You present here a license issued by the Judge of Tobuckey County, Choctaw Nation, dated June 23rd 1885, to marry Elise Ann Myers, with a certificate of the 26th day of June 1885, were you married to this woman before that time? A Yes sir.

Q Where? A At Skullyville, in the Choctaw Nation.

Q Under United States law? A Yes sir.

Q Were you separated or divorced from her before this marriage?

A No sir.

Q This then was a second marriage? A Yes sir.

Q Is she living? A Yes sir.

Q Are you living with her? A No sir, not as man and wife; we are in the same house together, and have been off and on all the time.

Q But you are not living together as husband and wife? A Yesir

Q When did you separate from her? A In 1892.

Q That's the first separation? A Yes sir.

Q How long did you stay separated then? A We have been separated ever since.

Q Has there been any divorce? A Yes sir.

Q Who obtained the divorce? A I did.

Q Your divorce is dated the 14th day of December 1892, have you married again? A No sir.

Q You are still living single? A Yes sir.

Q What was the trouble? A It was military.

Q What was your charge against her upon which you obtained the divorce? A Yes sir.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, Ind. Ter. Dec. 6, A. D.1900.

Choctaw Nation
vs. Choctaw No. D. 504.
Emery Elisha Heskett

In the matter of the application of Emery Elisha Heskett for enrollment as an intermarried citizen of the Choctaw Nation.

On December 6th, 1900, at a session of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, the above entitled cause being called for further hearing, and the Choctaw Nation appearing by its counsel, Mr. Melvin Cornish, and the applicant by his attorney W. N. Redwine, the following proceedings were had, viz:

BY ACTING CHAIRMAN PIXBY: What is the Contention of the Nation in this case?

MR. CORNISH: (Counsel for Choctaw Nation) This is a question of separation. The Nation has, I think, sufficient evidence in the case for the presentation of the matter.

EMERY ELISHA HESKETT, being sworn by Acting Chairman Pixby, was examined upon the part of the applicant, and testified as follows:

EXAMINATION BY MR. REDWINE:

Q What is your name? A Emery Elisha Heskett.

Q I see your name appears here in the former testimony which you have given as Emery Heskett and in one place as Elisha Heskett. State if you go sometimes by the name of Emery and sometimes by the name of Elisha. A Emery Elisha Heskett is my full name.

Q Now, Mr Heskett, state when you were married to a citizen of the Choctaw Nation, if you were married, and to whom you were married, give the year. A I want you to understand I was married twice.

Q When were you first married? A It must have been about 1878.

Q To whom were you married? A Eliza Ann Myers.

Q Was she a Choctaw Indian? A Said to be.

Q Well, was she? A Yes, sir; I suppose so.

Q Well, was she enrolled? A Yes, sir; she was enrolled.

Q Was she a full blood? A No, sir.

Q About what part Indian? A About something like one-sixteenth.

Q Enrolled, was she? A Yes, sir.

Q Now, you were married a second time? A Yes, sir.

Q State how long you lived together before you were married the second time. A Four or five years.

Q State how you were married the first time. A By a minister of the gospel.

Q Did you get a license? A No, sir.

Q Why didn't you get a license? A Well, I didn't have to; it wasn't customary. There was lots of people married without a license.

Q It was a custom at the time you were married in the Choctaw Nation to go before a minister of the gospel and have the marriage ceremony performed? A Yes, sir.

Q Did the minister give you a marriage certificate? A Yes, sir.

Q You continued to live with that wife five or six years? A Yes, sir.

Q You were married the second time, you married the same woman the second time. Why were you married the second time? A There come a question as to whether my marriage was legal and Mr. Cheagly came to my house and advised me to marry over again.

Q State if you then got a license and were married according to Choctaw law? A I did.

Q Look at this license which you have heretofore filed with the Commission and see if these are the license. A These are the license. I believe the other is the license and certificate; this is a certified copy of the original for my second marriage.

Q To the same party to whom you were first married? A Yes, sir.

Q According to the Choctaw laws? A Yes, sir.

Q How long did you live with with this woman then before you were divorced, if you were divorced? A About five or six years.

Q You were divorced, were you? A Yes, sir.

Q State who obtained the divorce, you or your wife? A We.

Q Upon what ground did you get the divorce? A Adultry.

Q Have you married since then? A No, sir.

Q State if you have been recognized and accepted as a citizen of the Choctaw Nation since your second marriage with your wife? A I have.

Q Have you voted? A I have.

Q State whether or not you have exercised other rights as a citizen of the Choctaw nation? A I have.

Q State whether or not you have any farms? A I have.

Q Have you rented land? A I have.

Q And issued permits to your renters? A Yes, sir.

Cross examination waived.

Witness excused.

---o---

WYLEY ADAMS, being sworn by Acting Chairman Bixby, was examined upon the part of the applicant by Mr. W. N. Redwine, and testified as follows:

Q Do you know Mr. Heskett here? A Yes, sir.

Q How long have you known him? A I don't know how many years, a good many years.

Q Is he recognized as a citizen of the Choctaw Nation? A Yes, sir.

Q Has he voted? A Yes, sir.

Q Are you acquainted with his wife from whom he was divorced? A Yes, sir.

Q You may state whether you have known her general reputation in the community in which she lived for virtue. A It is bad.

Q Has he married sincshe was divorced? A No, sir.

Q He has been living single? A Yes, sir.

Cross-examination waived.

Witness excused.

----o----

Wm. S. Wellsheer, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in this case during the afternoon of December 16th, 1900, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of December 1900.

Acting Chairman.

2-78

Choctaw D. #504.
Intermarried.

Department of the Interior
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory.
December 23, 1902.

-:-

In the matter of the application of Emery E. Heskett for enrollment as an intermarried citizen of the Choctaw Nation.

Emery E. Heskett being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Emery E. Heskett.
Q How old are you? A Fifty-three.
Q What is your post office address? A Canadian, I.T.
Q How long have you been a resident of the Choctaw Nation? A A About thirty years.
Q Have you liv ed here continuously for the past thirty years? A Yes, sir.
Q never made your home any where else during that time? A No, sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes, sir.
Q What is the name of the Choctaw woman through whom you claim these rights? A Liza A. Smith.
Q What was her maiden name? A Her name was Gary.
Q When were you married to this woman? A Our first marriage was in 1878.
Q Where was this marriage ceremony performed? A Skullyville.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes, sir.
Q Under what laws were you married to her? A I don't know.
Q Did you obtain a license? A No, sir.
Q Who performed the marriage ceremony? A Minister William Morgan.
Q Afterwards did you remarry the same woman? A I did.
Q What was the date of your second marriage to her? A About 1884 or 1885 I believe, you have it there.
Q Where was this second marriage peremony performed? A South Canadian.
Q Did you obtain a tribal license the second time? A I did.
Q From whom did you get this license? A County judge.
Q Of what county? A Tobuckey.
How much did you pay for that license? A I think it was $25.
Q Who performed this second marriage ceremony? A Minister J. N. Moore.
Q Was there any separation between these two marriages? A No, sir.
Q Were you ever married before your first marriage to this woman? A No, sir.
Q Was she ever married before her marriage to you? A Yes, sir she was twice.

Choctaw D #504.
Intermarried.

Q Were both her former husbands dead at the time of your marriage to her? A Yes, sir.
Q After your marriage how long did you live together as husband and wife? A Until 1890, when we separated, in 1891 or something like that.
Q Did she leave you? A Yes, sir.
Q What was the cause of this separation? A Adultery.
Q On her part or yours? A On her part.
Q Did you obtain a divorce from her? A I did.
Q Where did you get it? A In the Choctaw court you have it there I think.
Q Was that the grounds applied for in your petition asking for this divorce? A Yes, sir.
Q After your divorce from this woman did you remarry? A No, sir.
Q Never married but this one woman? A No, sir.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A I am.
Q Have you ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as an intermarried citizen? A I have.
Q When was that? A 1896 if I remember rights

--:--

Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer.

Subscribed and sworn to before me this 8th day of January 1903.

Charles McDougal
Notary Public.

Ex

(C O P Y)

CHOCTAW NATION,)
(To any minister of the Gospel, Judge or any person in the Choctaw Nation Authorized to Solemnize Rights of matrimony Greeting:
COUNTY OF TOBUCKSY)

Whereas E. E. Heskett, a non citizen of the Choctaw Nation has duly made application to the Undersigned Judge of the County Court within and for the County of Tobucksy License to enter into the bonds of matrimony with one Eliza Ann Myers a Citizen of the Choctaw and the Undersigned being satisfied that the said E.E. Heskett is a suitable person to be granted a license to enter into the bonds of matrimony With the said Myers, doth therefore grant unto said Heskett a license to marry the said Myers and any minister of the Gospel, person authorized by law in the Choctaw Nation is to join in matrimony the said E.E. Heskett and the said E.A. Myers. Witness my hand and public seal this 23rd day of June A.D. 1885

(Signed) Albert Carney

SEAL Judge of ~~Tobucksy~~ County, C.N.

This is to certify that I have this day joined the above named persons in the bonds of matrimony according to the laws of the Choctaw Nation.

(Signed) J.N. Moore Minister of the Gospel

this 28th day of June, 1885.

Attest Imy - Toole

C. J. Mcduff

I hereby Certify that the above is a true and correct Copy of the Original as handed me for record this 15 day of October 1885.

(Signed) E.R. Cheadle, Clerk

(C O P Y)

CHOCTAW NATION)
(
TOBUCKSY COUNTY)

I, A.W. McClure Clerk in and for the County of Tobucksy Choctaw Nation do hereby certify that the above and foregoing two pages of writings is a true and correct copy of the Original now on record in my office in Book A Page 337, & 338 of Tobucksy County Court records

In testimony whereof I have hereunto set my hand and seal of the County Court as such Clerk aforesaid this 8th day of Sept. 1899

(Signed) A.W. McClure

SEAL

Clerk.

enm'R
D&L

7 D-504.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of Emery E. Heskett as a citizen by intermarriage of the Choctaw Nation.

-:-::::-:-

- D E C I S I O N -

It appears from the records herein that Emery E. Heskett, on June 28, 1885, was married in accordance with the laws, customs and usages of the Choctaw Nation, to Eliza Ann Myers, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as Eliza A. Smith number 13260 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 19, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and that they lived together as husband and wife in said Nation until the year 1891 when they were separated through the fault of Eliza A. Heskett (formerly Myers) and through no fault of the applicant and on the 15th day of December 1892 the said applicant secured a divorce from Eliza A. Heskett on the ground of adultery; that the applicant has not remarried and that he continued to reside in the Choctaw Nation up to and including September 25, 1902.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the name of the applicant (as Elisha E. Heskett) is identified on the 1896 intermarried Choctaw Census Roll as number 14614.

It is, therefore, the opinion of this Commission that Emery E. Heskett should be enrolled as a citizen by intermarriage

of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 4 1904.

COPY.

Cheotaw D-504.

Muskogee, Indian Territory, January 4, 1904.

Emery E. Haskett,

Canadian, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 4, 1904, granting your application for enrollment as a citizen by intermarriage of the Cheotaw Nation.

The attorneys for the Cheotaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Cheotaw Nation. If at the expiration of said time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Cheotaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.
Enc: 7-4-504.

COPY. Choctaw D 504.

Muskogee, Indian Territory, January 4, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 4, 1904, granting the application of Emery E. Heskett for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file protest against the action of the Commission in enrolling said Emery E. Heskett as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Tams Bixby.
Chairman.

Registered.
Enc: 7-D-504.

See Choctaw 2954 for registry receipt for this letter.

Muskogee, Indian Territory, February 13, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith the record in the matter of the application of Emery E.Heskett for enrollment as an intermarried citizen of the Choctaw Nation, together with the decision of the Commission granting said application and the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, which was filed with this Commission February 6, 1904, under authority granted by the Secretary of the Interior in his communication to the Commission of November 18, 1903, (I.T.D. 7122-1903), in which they request that decision in this case be postponed until the action of the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson, et al. versus the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

AB 8-13

Through the Commissioner
of Indian Affairs.

Choctaw 5705

Muskogee, Indian Territory, February 13, 1904.

Emery S. Heskett,

Canadian, Indian Territory,

Dear Sir:

You are hereby advised that the attorneys for the Choctaw and Chickasaw Nations onFebruary 6, 1904, filed a protest to your enrollment as an intermarried citizen of the Choctaw Nation, in which they request that final decision therein be postponed until the action of the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson versus the Choctaw and Chickasaw Nations, and the record in your case, together with the decision of the Commission granting your application and the protest above referred to, has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Land.
18688-1904.

DEPARTMENT OF THE INTERIOR, (COPY)
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

January 4, 1904, the Commission transmitted the record relative to the application of Emery E. Hoskett for enrollment as a citizen of the Choctaw Nation by intermarriage.

February 13, 1904, they transmitted the request of the attorneys for the Choctaw and Chickasaw Nations that final action be not taken in this case until the Choctaw and Chickasaw citizenship court had passed upon the case of B. F. Thompson versus the Choctaw Nation. All papers relating to the case were transmitted to the Department with report of March 14, last, and were returned March 18. As the Citizenship Court has passed upon the Thompson case, there seems to be no reason why this case should not be finally decided and the record is enclosed.

It is shown that the principal applicant was married in accordance with the laws, customs and usages of the Choctaw Nation, to Eliza Ann Myers, a recognized and enrolled citizen of the Choctaw Nation by blood, June 28, 1895.

The principal applicant and Eliza A. Hoskett, formerly Myers, resided together as husband and wife in the Choctaw Nation until 1901 when they separated through the fault of the wife. December 15, 1903, the applicant secured a divorce from his wife on the ground of adultery. He

has continued to reside in the Choctaw Nation since the divorce was granted and has not since remarried. He is identified on the 1896 intermarried Choctaw Census Roll as Elisha M. Haskett. It is shown by the Commission's decision that the name of his former wife appears on the approved partial rolls of the Choctaw Nation opposite No.13226 as Eliza A. Smith.

The record in the case also shows that the former wife of the principal applicant was married twice before she married him but that both of her former husbands were dead at the time of the marriage of the applicant and Lizzie A. Haskett, formerly Myers.

From the record in this case, it appears to the office that this applicant did not abandon his wife within the meaning of the Choctaw law but that her actions were of such a character as to justify him in leaving her and that he is, therefore, entitled to enrollment as an intermarried citizen of the Choctaw Nation.

The approval of the Commission's decision of January 14, 1904, favorable to the applicant is recommended and your attention is respectfully invited to the holding of the Citizenship Court in the B. F. Thompson case.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-E

5 encl.

DC-23878-1904. DEPARTMENT OF THE INTERIOR, (COPY) W.C.F. FHE
L.R.S. WASHINGTON,
22253(S-49CV July 7, 1904.

Commission to the Five Civilised Tribes,

Muskogee, Indian Territory,

Gentlemen:

February 13, 1904, you transmitted the record in the matter of the application of Emery E. Meskett for enrollment as an intermarried citizen of the Choctaw Nation, including your decision of January 4,1904, favorable to the applicant. You also returned the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, in which they request that final decision in this case be postponed until the action of the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson et al., vs the Choctaw and Chickasaw Nations.

On April 18, 1904, the said Choctaw and Chickasaw Citizenship Court rendered a decision favorable to the applicants in the case of B. F. Thompson et al.

June 30, 1904, the Acting Commissioner of Indian Affairs forwarded the papers in this case, and recommended that your decision, favorable to the applicant, be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

Choctaw 5705

COPY.

Muskogee, Indian Territory, July 19, 1904.

Emery E. Haskett,

Canadian, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior, on July 7, 1904, affirmed the decision of this Commission, dated January 4, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Choctaw 5705

COPY.

Muskogee, Indian Territory, July 19, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that the Secretary of the Interior, on July 7, 1904, affirmed the decision of this Commission, dated January 4, 1904, granting the application of Emery E. Heskett for enrollment as a citizen by intermarriage of the Choctaw Nation, copy of the Department's letter in this case being herewith inclosed.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Incl. WPW-19-1.

MEMORANDA.

W C

(Date) Sept 15 1899.

50 Name Emmary E. Hesket

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship ..... yes

Intermarried citizen? ..... yes

Married under what law? ..... other

License filed this day, ... yes

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

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..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

Child [illegible] this

Testimony

N 804

Muscogee, IndianTerritory,

August 18th, 1900.

Emery E. Heskett,

South Canadian, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-504.

7 - D 806

Muskogee, Indian Territory, May 7, 1903.

Emory M. Heskett,

Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 23, 1903, in which you ask if your name has been put on the Choctaw roll.

In reply to your letter you are advised that it appears from our records that Emory M. Heskett has been listed among the doubtful claimants for enrollment as an intermarried citizen of the Choctaw Nation, but his final right has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Chairman.

Choctaw-5705.

Muskogee, Indian Territory, June 18, 1904.

Elisha E. Heskett,

Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10th, in which you state that you were advised that this Commission had approved of your case and notified the attorneys for the Choctaw and Chickasaw Nations of the fact. You therefore ask what further action has been taken therein. You also enclose a blue print showing the location of your farm and improvements and ask to be advised if anyone has filed thereon.

In reply to your letter, you are informed that on January 4, 1904 the Commission rendered its decision granting your application for enrollment as an intermarried citizen of the Choctaw Nation and on February 6, 1904 there was filed the protest of the attorneys for the Choctaw and Chickasaw Nations under date of January 23, 1904 to the action of the Commission in enrolling you as an intermarried citizen of said nation. On February 13, 1904 the protest of the attorneys for the Choctaw and Chickasaw Nations, together with the record and decision of

of the Commission, was forwarded to the Secretary of the Interior and the Commission has not yet been advised of Departmental action thereon.

The matter of the land referred to in your letter has been made the subject of another communication.

Respectfully,

Chairman.

Choctaw 5705.

Muskogee, Indian Territory, July 28, 1904.

Elisha B. Heskett,

Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 23, relative to your case, in which you ask what action has been taken by the Secretary of the Interior therein.

In reply to your letter, you are informed that on July 7, 1904, the Secretary of the Interior affirmed the decision of the Commission granting your application for enrollment as an intermarried citizen of the Choctaw Nation, and your name will be placed upon the next schedule of intermarried citizens of said Nation prepared for forwarding to the Secretary of the Interior.

Relative to allowing additional time for your minor children to make selection of allotment, in the event your enrollment is not approved in time to make selection for them within the thirty days allowed, you are advised that, under the provisions of the Act of Congress approved July 1, 1902, the Commission is authorized to make arbitrary allotments to those citizens of the Choctaw and Chickasaw Nations whose enrollment has been approved for a period of more than one year, and for whom no selection of allotment has been made.

If, therefore, selections of allotment have not been made for your children by the time the locating party of the Commission reaches your vicinity, arbitrary allotments will be made to your children in accordance with the provisions of the Act of Congress of July 1, 1902, above referred to.

Respectfully,

Commissioner in Charge.

7-5705

Muskogee, Indian Territory, November 16, 1904.

Emery E. Heskett,

Canadian, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 12th instant, acknowledging receipt of our letter of November 5, 1904, enclosing a copy of the decision of the Commission admitting you to citizenship in the Choctaw Nation, and stating that you will proceed to select your allotment as soon as possible.

Respectfully,

Chairman.

Choctaw 5706

Frank Dowland

5706

Transferred from Choc D130 1-21-04

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

------:0:------

The record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of--

FRANK DOWLAND ---------- 7 D-730.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, May 29, 1902.

---O---

In the matter of the application of Frank Dowland, for enrollment as a citizen by inter-marriage of the Choctaw Nation.

---O---

Frank Dowland being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Frank Dowland.
Q How old are you? A I will be twenty-seven years old the 31st of January.
Q What is your post office address? A Crowder.
Q Indian Territory? A Yes sir.
Q What Nation? A Choctaw.
Q How long have you lived in the Choctaw Nation? A I lived in the Choctaw about four years.
Q Have you maintained a continous residence in the Choctaw Nation for the past four years? A Yes sir.
Q Where did you lived before that? A I lived down on Mr. Kemp's place.
Q Where is that? A That's down on the river.
Q In the Indian Territory or in Texas? A Yes sir, in the Indian Territory.
Q How long have you lived in the Indian Territory? A About four years or a little over.
Q Where did you live before that? A In Texas.
Q How long did you live in Texas? A Why, I lived in Texas about - about seven or eight years.
Q Where did you live before that? A Tennessee.
Q Were you born in Tennessee? A Yes sir.
Q What's your father's name? A Dowland - Jack Dowland.
Q Is your father living? A No sir; he aint living; my father nor my mother neither one aint living; she died when I was small..
Q What's your mother's name? A Rachel.
Q Is your mother living? A No sir; she aint living.
Q Were your father and mother both white people? A Yes sir.
Q Citizens of the United States? A Yes sir; as well as I remember; theydied when I was small.
Q You are a white man are you? A Yes sir.
Q A citizen of the United States? A Yes sir.
Q Have you ever been recognized or enrolled as a citizen by blood of any tribe of Indians? A No sir.
Q Ever drawn any payment or moneys as a member of any tribe?
A No sir.
Q Ever made any claim for citizenship in any tribe of Indians?
A No sir.
Q You are applying for enrollment at this time as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife?
A Mattie Dowland.
Q How old is she? A

A She,s about seventeen I believe; she was seventeen last-- the fifth of October I believe.
Q What's her father's name? A George W. Crowder.
Q What's your wife's mother's name? A Her name is Roseann Crowder.
Q She's dead is she? A Yes sir.

The name of Mattie Crowder appears on the records of the Commission as listed for enrollment as a citizen by blood of the Choctaw Nation Choctaw roll card field number 1458.

Q When did you marry Mattie Crowder? A I married her April 28th.
Q What year? A 1901.
Q 1901 - last year? A Yes sir.
Q Where were you married to her? A I was married at -- where was I married to her did y ou say?
Q Yes. A I was married at Judge Gardner's - Jackson County.
Q Were you married under a Choctaw license? A Yes sir.
Q Have you got your license? A Yes sir.

Applicant here offers in evidence, there is marked exibit "A" filed, and made a part of the record in this application, marriage license issued by A. N. Jones to F. M. Dowland, a citizen of the United States to marry Mattie Crowder, same being dated April 27, 1901, attached thereto being the certificate of R. C. Gardner, County and probate Judge of Jackson County Choctaw Nation, to the marriage of F. M. Dowland and Mattie Crowder dated April 28, 1901.

Q How much did you pay for this license? A One hundred dollars.
Q One hundred dollars in cash? A Yes sir.
Q Was Mattie Crowder ever married to any other person before she married you? A No sir.
Q Was you ever married to any other person bef re you married her? A No sir.
Q There was no legal obstacle to your marriage? A No sir.
Q Was the marriage under this Choctaw license the only marriage between you and Mattie Crowder? A Yes sir.
Q Never married under UnitedStates license? A No sir.
Q Did you live together continously as man and wife since you were married? A Yes sir.
Q There has been no separation nor divorce? A No sir.

---O---

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the twenty ninth day of May, nineteen hundred and two and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this twenty-ninth day of May nineteen hundred and two.

William J Martin
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Antlers, I. T., December 1st, 1902.

Choctaw D-730
Intermarried

---------O---------

In the matter of the application of Frank Dowland for enrollment as an intermarried citizen of the Choctaw Nation.

Frank Dowland being first duly sworn testified as follows:

Examination by the Commission:

Q Your name is Frank Dowland? A Yes sir.
Q How old are you? A I will be twenty-six years old the 21st of January.
Q What is your post office address? A Crowder.
Q That is in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A About five or six years.
Q Have you lived here continuously for the past five years?
A Yes sir.
Q Did you make your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Mattie Crowder.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to Mattie Crowder? A I was married in 1901.
Q Where was this marriage ceremony performed? A At Judge Gardner's.
Q Where is that? A That is in Jackson county, at Bennington.
Q That's in the Choctaw Nation? A Yes sir.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law?
A Yes sir.
Q Did you procure a license? A Yes sir.
Q From whom did you get that license? A Got them from Jones.
Q Who is he, was he an officer of the Nation? A He was county clerk, yes sir.
Q How much did you pay for that license? A One hundred dollars.
Q Who performed the marriage ceremony? A Judge Gardner.
Q Were you ever married before your marriage to Mattie Crowder?
A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.

Frank Dowland------2

Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

- - - - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 1st day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20 day of January, 1903.

Charles W. Sawyer

Notary Public.

Exhibit "A."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY [illegible] 1902

[signature]
ACTING CHAIRMAN.

CHOCTAW.
D. 730

MARRIAGE LICENSE.

To all whom these presents shall come, greeting know ye that I. in pursuance of an application of J. W. Lowland a *a citizen of the United States for a license to marry* Mattie Crowder *a citizen of the Choctaw Nation the same being in due form and satisfying the requirements of the laws of said Nation in reference to inter-marriage with non-citizens: and by virtue of the authority vested in me: do hereby issue this license for the above named parties to be joined together in matrimony.*

Witness my hand and official seal this 27th *day of* April *A.D. 1901*

A. N. Jones

CERTIFICATE OF SOLEMNIZATION.

This is to certify that, I, in accordance with the above authority, have united Mr. J. W. Lowland *and* Mattie Crowder *the parties mentioned in the above license on this the* 28th *day of* April *1901*

Recorded Book Page 571 575 pp

this 6 day of May A.D. 1902

Attest

A. N. Jones Clerk

Ex Officio Judge

M.C.

7 D-730.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

------:O:------

In the matter of the application for the enrollment of Frank Dowland as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that Frank Dowland, on April 28, 1901, was married in accordance with the laws, customs and usages of the Choctaw Nation, to Mattie Dowland (nee Crowder), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 4067 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on December 12, 1902: that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they have lived together continuously in Indian Territory as husband and wife from the date of their said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Frank Dowland should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JAN 4 1904

7-D-730

COPY

Muskogee, Indian Territory, January 4, 1904.

Frank Dowland,

Crowder, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 4, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.

Enc. 7-D-730.

7-D-730

COPY.

Muskogee, Indian Territory, January 4, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered January 4, 1904, granting the application of Frank Dowland for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file protest against the action of the Commission in enrolling said Frank Dowland as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior, for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. 7-D-730.

Choctaw 5707

Nancy MinTubbe Billy

5707

Transferred from Choc CARD #D 827

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
December 16, 1903.

Choctaw D 827 --------:--------
Choctaw D 855.

In the matter of the application for the enrollment of Nancy Watson as a citizen by blood of the Choctaw Nation.
Applicant represented by attorney, W. S. Farmer.
Said Nancy Watson, being first duly sworn, on oath, testified as follows: Examined through sworn interpreter, William H. Anderson:

Examination by the Commission.

Q What is your name? A Nancy Folsom.
Q Have you ever been known by any other name than Nancy Folsom? A Nancy Meantubbe or Mintubbe.
Q Any other name? A Nancy Billy.
Q Any other name she has been known by? A Nothing but Folsom.
Q Have you ever been known by the name of Watson? A No, sir.
Q Did you draw the 1893 Leased District Payment money? A Yes, she drew the money there.
Q Under what name? A Nancy Meantubbe.
Q Did you draw the money yourself or did somebody draw it for you? A She got it herself.
Q In what county did you get it? A Jacks -- living in Jacks Fork but got the money in Atoka County.
Q What place in Atoka County did she get the money? A At Cobb's store in Atoka.
Q Did you draw the money yourself or did Mr. Cobb draw it for you? A She went up there with Noel Wright and got the money in Cobb's store.
Q Was it paid in scrip or money? A Got the money. Didn't get any scrip.
Q She cashed the scrip in Cobb's store? A There is where they paid off.
Q You are sure you drew it yourself; nobody else drew it for you? A Yes, sir, she got another person to get it for her and they did not get it. Said if she would go get it herself she could get it herself.
Q Did you ever live with somebody by the name of Watson? A No, she never did live with any man by that name.
Q What was her father's name? A Dave Meantubbe.
Q Whom did she live with after she quit living with her father? A Simeon Wesley.
Q Was Simeon Wesley her husband? A Was her husband, she got a divorce from him.
Q Whom did she live with after she got a divorce from Simeon Wesley? A Alfred Billy.
Q How long did you live with Alfred Billy? A About two years -- may be a little over. She says two or three years.

Choctaw D 827
Choctaw D 855

Nancy Watson 2

Q About when were you married to Simeon Wesley? A It was just directly after that payment -- don't recollect the year, just directly after that payment.
Q How long did she live with Simeon Wesley? A About four years.
Q How long was it after she and Simeon Wesley parted until she was married to Alfred Billy? A Says somewheres about two years from the time she got a divorce from Simeon Wesley until she married Billy.
Q Is Simeon Wesley living? A Yes.
Q Is Alfred Billy living? A He is dead.
Q Ask her if she ever appeared before the Commission to the Five Civilized Tribes (that is the Dawes Commission) at any place? A She was sick. The first time she was sick.
Q Whose wife was she when they first went around? A She was living with Daniel Fisher but was not married to him.
Q Was she ever known by any other given name than Nancy? A That was all.
Q Anybody ever call her any pet names? A Some times they used to call her Nicy, trying to say Nancy.
Q Did she know some Choctaws by the name of Watson? A She seen Simon Watson only she didn't know him. Somebody told her that was Simon Watson.
Q How old are you? A In March, she will be thirty-three, she says.
Q Did you ever go before the Dawes Commission at any time? A First time she said she was sick and could not appear before them, and they appointed Michael LeFlore of Jackson County to go down and hunt up the names and she gave him her name then.
Q What name did she give them? A They asked her who she was living with then and she was not living with anybody at that time and she thinks they put down Simeon Wesley's name. Got her name in any way, Wesley. She wanted to give them her maiden name and they said it would be best to give her husband's name.
Q What was your father's name -- first name? A Dave Meantubbe.
Q What was your mother's name? A Phoebe.
Q Both dead? A She was about that high (indicating the height of a child of seven or eight years) when they died.
Q Six or seven years old, I suppose? A Yes.
Q What county did they live in? A Kiamitia County.
Q Did she appear before the Commission -- Dawes Commission -- at Atoka, last November, a year ago? A She says that Kennedy Lawrence found out that her name was on the roll wrong, some way or other, and she got Lon Hawkins to take her before them then. She registered there.
Q Was she sworn? A Yes, sir.
Q Was that at Atoka last November? A Yes, sir.
Q How did they have her registered? A (No answer)
Q Under what name? A Nancy Watson. They had her name down Nancy Watson. Mike LeFlore put it down that way, Watson; should have put it down Wesley. Simeon Wesley, that was her husband.
Q She went last November to Atoka and this Lon Hawkins went with her, to have the name changed? A Yes, sir, was right. She said she thought they put it down like they told them. It should have been Wesley.
Q Did you live in Atoka County in 1896? A Yes, sir, she lived in Atoka County.

Choctaw D 827
Choctaw D 855

Nancy Watson 3

Q Did she ever, at any time, send her name up by any one to be put on the roll? A She was probably sick at the time they went around and she never got anybody to put her name down.
Q When and where was the first time she was before the Dawes Commission? A She thinks it was Caddo where they was at. She don't recollect, that is exactly, she says.
Q How did you find out that your name was put -- or that your name was listed for enrollment as Nancy Watson? A Why, she says that Kennedy Lawrence and Edmund Billy was up registering this last time and they found her name on there wrong, and they told her she had better go and have it fixed.
Q So that Kennedy Lawrence and Edmund Billy told her that her name was down then as Nancy Watson. Now, what did you do then? A Lon Hawkins, he sent Sampson James to tell her she had better come up and have her name fixed right and she appeared at Atoka to get her name straight on the roll. And she thought they put it down right.
Q Ask her if she ever knew Pickman Henderson? A He was her grandfather.
Q Did she ever live with Pickman Henderson? A Yes, sir she lived with him.
Q How long since Pickman Henderson died? A She said it was about ten years ago, as near as she can recollect. Been dead about that long.
Q Have you any children? A No, sir.
Q Did you ever have any children? A No, sir, she never had any.
Q Can you read and write? A No, sir.
Q Was Simeon Wesley married before he was married to you? A Yes, he had a wife before he was married to her. Divorced from her.
Q Did he have any children? A Had a son that died.
Q Didn't he have a girl called Martha? A It was a boy named Joseph.
Q When was he born? A She don't know what year it was.
Q What was Simeon Wesley's first wife's name? A Silwe.
Q When you drew the money in 1893 did you draw money for any one else? A Just her alone. Was nobody but her she says. She was living then with Pickman Henderson in Jacks Fork County. She was living in Jacks Fork at that time.
Q Was Pickman Henderson living in 1893? A Yes, sir, thinks so. She don't know.
Q What was his wife's name? A Salina.
Q Do you know whether there was any other Nancy Wesley living in Jacks Fork County in 1893 than yourself? A No, she says she don't know of any one of the same name as her. There was other Nancys.

Examination by Attorney Farmer.

Q At the time that the Commission first came around who was she living with at that time? A Daniel Fisher but wasn't married to him.
Q What was the name of Simeon Wesley's child? A Joseph Wesley.
Q Did Silwe have a child called Susan? A Yes, it was not Simeon's child. Its father was dead.
Q Are you sure you only drew money for yourself in 1893? Didn't draw any for any one else? A No, she never got anybody's money but her own.

Choctaw D 827
Choctaw D 855

Nancy Watson 4

Q Did you ever have a child called Martha? A No, she never had a child.
Q Did she ever have a child living with her by the name of Martha? A No, sir.
Q Were not you living with Simeon Wesley in 1893? A She don't know the years -- what years it was.
Q At the time of the payment? A No, she was living with her aunt at that time. he come with Saline Pickman up to Atoka to register for that money and Wilson Jones and Jack Carns. They was all one family.
Q Ask her if she remembers about the year she married Simeon Wesley. About what year was it? A No, she don't know what year it was.
Q How long ago has it been? A Somewheres about ten years she reckons she says.

Re-examination by the Commission.

Q What was the name of the first man you lived with? A Simeon Wesley
Q Did you ever live with a man called Folsom? A Only the one she is living with now.
Q Did you live with any other man than Wesley, Billy and Folsom? A That was all she says. Just those.
Q Before you were married to Wesley did you live with any other man or family than your father and your grandfather Henderson? A She used to live with Susan Foster and from Susan Foster to Saline Henderson. That is from her father's house to Susan Foster and from Susan Foster to Salina Henderson.
Q How old were you when you lived at the Foster's house? A She was about that high she says. I don't know how many years old.
Q Did she marry Wesley from Salina Henderson's house? A Yes.
Q How old were you when you drew the money? A I don't know how many years old she was at that time.
Q Was she a grown up woman at that time? A Yes, sir, somewheres about twenty years old she says, as near as she can recollect.
Q You are sure that at that time -- you were never married at the time you drew that money? A No, sir, she says she was not married at that time.
Q What county did she live in when she was living with Simeon Wesley? A Jacks Fork County.
Q After she and Simeon Wesley separated, whom did she live with then? A Daniel Fisher.
Q What county did she live in when she was living with Daniel Fisher? A Jackson County.
Q About how long did she live with Daniel Fisher? A Didn't live with him quite a year.
Q Whom was she living with at the time she married Alfred Billy? A She lived at Kennedy Lawrence's.
Q When she left Daniel Fisher's where did she go to live? A She went to Kennedy Lawrence's.
Q How long did she live with Kennedy Lawrence? A She don't think she was there a year, she says.
Q How long did she live with Alfred Billy? A She don't know how many years but she says it was the first court they had at Mayhew.

Choctaw D 827
Choctaw D 855

Nancy Watson 5

Q How long did she live with him before he died, with Alfred Billy? A She don't know how many years it was. He died last August, a year ago. She lived with him from that time up until then.
Q Where is Simeon Wesley now, do you know? A In Jacks Fork County; that's where they lived when him and her lived together.
Q Did you ever go by the name of Nancy Lewis? A Yes, sir.
Q How did you get the name of Lewis? A After she married that man.
Q What was the man's name? A Battison Lewis.
Q How old a man was he at the time he married you? A Somewheres about forty years old, she says.
Q He was a good deal older than you were? A Yes, sir.
Q Do you remember when you were married to him? A No, don't know what year it was.
Q Did you have any children? A No, didn't have any children.
Q How long did you live with Battison Lewis? A Somewheres about six years, she says.

The names of Battison Lewis, thirty-five years old, and Nancy Lewis, sixteen years old, are found upon the 1885 Census roll of the Choctaw Nation, Jacks Fork County, numbers 92 and 93.

Q Where were you living at the time you lived with Battison Lewis? A Married in Kiamitia and moved to Jacks Fork.
Q How old were you when you married Battison Lewis? A About sixteen, somewheres about sixteen.
Q What has become of Battison Lewis? A Dead.
Q How long ago? A She don't know how many years it was, -- just before the annuity.
Q Did Battison Lewis have a farm? A About twelve acres he had in a farm.
Q How many hogs did he have at that time? A About fifteen.
Q Did he raise any cotton? A Didn't plant much cotton, just a little.
Q Did he plant a little cotton and corn? A Yes, sir.
Q How many horses did he have? A He had three but he sold one.
Q How long ago did you say Battison Lewis died? A She says she don't know how many years -- a good while.
Q Did you ever have a child called Mary? A No, sir.
Q Did Battison Lewis have a child called Mary? A Didn't have any children.
Q Did he marry another woman called Nancy? A Yes, he was living with another woman by the name of Nancy when he died.
Q Was the name Nancy Cole? A Yes, sir.

Battison Lewis is identified as Battice Lewis on card 1741.

Q What name did you give when you got the money in 1893? A Nancy Meantubbe.
Q Did you give the name of Nancy Lewis? A She told them Nancy Meantubbe.
Q Was the name Nancy Lewis mentioned at the time she applied for this money? A Pickman Henderson wanted her to sign her name as N Nancy Lewis when she went to draw her money.
Q Didn't they want to put her name down as Nancy Lewis? A Yes, sir, Pickman Henderson wanted her to put it down that way.

Choctaw D 827
Choctaw D 855

Nancy Watson 6

Q Was that before they was drawing money? A That was when they was registering.
Q At the time that you registered they wanted to put your name down as Nancy Lewis, didn't they? A Yes, sir.
Q And she wanted them to put it down as Meantubbe? A Yes, sir.
Q What is your name now? A Nancy Folsom.
Q Are you married to Folsom? A Yes, sir.
Q How long have you been married to him? A Married him about last January.
Q What was her name a year ago? A Nancy Billy.
Q Were you divorced from Billy? A No, sir, he died.
Q Do you want to be known as Nancy Mintubbe Billy? A Yes, sir.
Q Where do you get your mail? A Lane.

The applicant is identified upon the 1893 Choctaw Leased District Payment Roll, Atoka County, number 762.

---------:---------

Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause at Muskogee, Indian Territory, on December 16, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause.

Wirt Franklin

Subscribed and sworn to before me this 2nd day of January, 1904.

Charles H. Sawyer
Notary Public.

---------:---------

Choctaw
Original
DELINQUENT

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 19th, 1902.

----------oOo----------

In the matter of the application of Nancy Mintubbe for enrollment as a citizen by blood of the Choctaw Nation.

Nancy Mintubbe being first duly sworn testified as follows through Alington Telle, sworn Choctaw Interpreter.

Examination by the Commission:

Q What is your name? A Nancy Mintubbe.
Q What is your age? A I don't know, but my father and mother were not married until after the war; after my father came from the army. I guess about thirty years old.
Q What is your post office address? A Lane.
Q That's in the Choctaw Nation? A Yes sir.
Q How long have you lived in the Choctaw Nation? A Born and raised in the Choctaw Nation, mostly in Kiamitia county.
Q Are you a recognized by blood of the Choctaw Nation?
A Yes sir.
Q What is the name of your father? A David Mintubbe.
Q Is he living? A Dead.
Q Was he a full blood Choctaw Indian? A Yes sir.
Q What is the name of your mother? A Phoeba.
Q Is she living? A Dead.
Q Was she a full blood Choctaw Indian? A Yes sir.
Q Did you draw money with the Choctaw Indians in 1893--what is known as the leased district payment? A Yes sir.
Q How much did you draw at that time? A One hundred and three dollars.
Q What was your name at that time? A Nancy Mintubbe.
Q Did you draw this money yourself or did some one draw it for you? A I think that Noel Wright, who is now dead, receipted for the money for me and placed it to my credit at Cobb's store here and I came and got it.
Q Where were you living at that time? A Jacks Fork.
Q Were you ever enrolled with the Choctaw tribe on the census roll of 1896? A No, I didn't meet the Commissioners anywhere.
Q Where were you living at that time, in 1896? A I was in Jacks Fork county.
Q Are you married now? A No.
Q Have you ever been married? A Yes sir, I have been married but my husband is dead.
Q What was his name? A Alfred Billy.
Q Was he a Choctaw Indian? A Yes sir.
Q Have you got any children? A No, no children.

- - - - - - - - -

Kenny Kintobbe--2.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 19th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20 day of November, 1902.

W. O. Risley

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
December 16, 1903.

Choctaw D 827 --------:--------
Choctaw D 855.

In the matter of the application for the enrollment of Nancy Watson as a citizen by blood of the Choctaw Nation.
Applicant represented by attorney, W. S. Farmer.
Said Nancy Watson, being first duly sworn, on oath, testified as follows: Examined through sworn interpreter, William H. Anderson:

Examination by the Commission.

Q What is your name? A Nancy Folsom.
Q Have you ever been known by any other name than Nancy Folsom? A Nancy Meantubbe or Mintubbe.
Q Any other name? A Nancy Billy.
Q Any other name she has been known by? A Nothing but Folsom.
Q Have you ever been known by the name of Watson? A No, sir.
Q Did you draw the 1893 Leased District Payment money? A Yes, she drew the money there.
Q Under what name? A Nancy Meantubbe.
Q Did you draw the money yourself or did somebody draw it for you? A She got it herself.
Q In what county did you get it? A Jacks -- living in Jacks Fork but got the money in Atoka County.
Q What place in Atoka County did she get the money? A At Cobb's store in Atoka.
Q Did you draw the money yourself or did Mr. Cobb draw it for you? A She went up there with Neel Wright and got the money in Cobb's store.
Q Was it paid in scrip or money? A Got the money. Didn't get any scrip.
Q She cashed the scrip in Cobb's store? A There is where they paid off.
Q You are sure you drew it yourself; nobody else drew it for you? A Yes, sir, she got another person to get it for her and they did not get it. Said if she would go get it herself she could get it herself.
Q Did you ever live with somebody by the name of Watson? A No, she never did live with any man by that name.
Q What was her father's name? A Dave Meantubbe.
Q Whom did she live with after she quit living with her father? A Simeon Wesley.
Q Was Simeon Wesley her husband? A Was her husband, she got a diveree from him.
Q Whom did she live with after she got a diveree from Simeon Wesley? A Alfred Billy.
Q How long did you live with Alfred Billy? A About two years -- may be a little over. She says two or three years.

Choctaw D 827
Choctaw D 855

Nancy Watson 2

Q About when were you married to Simeon Wesley? A It was just directly after that payment -- don't recollect the year, just directly after that payment.
Q How long did she live with Simeon Wesley? A About four years.
Q How long was it after she and Simeon Wesley parted until she was married to Alfred Billy? A Says somewheres about two years from the time she got a diverce from Simeon Wesley until she married Billy.
Q Is Simeon Wesley living? A Yes.
Q Is Alfred Billy living? A He is dead.
Q Ask her if she ever appeared before the Commission to the Five Civilized Tribes (that is the Dawes Commission) at any place? A She was sick. The first time she was sick.
Q Whose wife was she when they first went around? A She was living with Daniel Fisher but was not married to him.
Q Was she ever known by any other given name than Nancy? A That was all.
Q Anybody ever call her any pet names? A Some times they used to call her Niey, trying to say Nancy.
Q Did she know some Choctaws by the name of Watson? A She seen Simon Watson only she didn't know him. Somebody told her that was Simon Watson.
Q How old are you? A In March, she will be thirty-three, she says.
Q Did you ever go before the Dawes Commission at any time? A First time she said she was sick and could not appear before them, and they appointed Michael LeFlore of Jackson County to go down and hunt up the names and she gave him her name then.
Q What name did she give them? A They asked her who she was living with them and she was not living with anybody at that time and she thinks they put down Simeon Wesley's name. Got her name in any way, Wesley. She wanted to give them her maiden name and they said it would be best to give her husband's name.
Q What was your father's name -- first name? A Dave Meantubbe.
Q What was your mother's name? A Phoebe.
Q Both dead? A She was about that high (indicating the height of a child of seven or eight years) when they died.
Q Six or seven years old, I suppose? A Yes.
Q What county did they live in? A Miamitia County.
Q Did she appear before the Commission -- Dawes Commission -- at Ateka, last November, a year ago? A he says that Kennedy Lawrence found out that her name was on the roll wrong, some way or other, and she get Lon Hawkins to take her before them them. She registered there.
Q Was she sworn? A Yes, sir.
Q Was that at Ateka last November? A Yes, sir.
Q How did they have her registered? A (No answer)
Q Under what name? A Nancy Watson. They had her name down Nancy Watson. Mike LeFlore put it down that way, Watson; should have put it down Wesley. Simeon Wesley, that was her husband.
Q She went last November to Ateka and this Lon Hawkins went with her, to have the name changed? A Yes, sir, was right. She said she thought they put it down like they told them. It should have been Wesley.
Q Did you live in Atoka County in 1896? A Yes, sir, she lived in Atoka County.

Choctaw D 827
Choctaw D 858

Nancy Watson 3

Q Did she ever, at any time, send her name up by any one to be put on the roll? A She was probably sick at the time they went around and she never got anybody to put her name down.
Q When and where was the first time she was before the Dawes Commission? A She thinks it was Caddo where they was at. She don't recollect, that is exactly, she says.
Q How did you find out that your name was put -- or that your name was listed for enrollment as Nancy Watson? A Why, she says that Kennedy Lawrence and Edmund Billy was up registering this last time and they found her name on there wrong, and they told her she had better go and have it fixed.
Q So that Kennedy Lawrence and Edmund Billy told her that her name was down then as Nancy Watson. Now, what did you do then? A Lon Hawkins, he sent Sampson James to tell her she had better come up and have her name fixed right and she appeared at Atoka to get her name straight on the roll. And she thought they put it down right.
Q Ask her if she ever knew Pickman Henderson? A He was her grandfather.
Q Did she ever live with Pickman Henderson? A Yes, sir she lived with him.
Q How long since Pickman Henderson died? A She said it was about ten years ago, as near as she can recollect. Been dead about that long.
Q Have you any children? A No, sir.
Q Did you ever have any children? A No, sir, she never had any.
Q Can you read and write? A No, sir.
Q Was Simeon Wesley married before he was married to you? A Yes, he had a wife before he was married to her. Divorced from her.
Q Did he have any children? A Had a son that died.
Q Didn't he have a girl called Martha? A It was a boy named Joseph.
Q When was he born? A She don't know what year it was.
Q What was Simeon Wesley's first wife's name? A Silwe.
Q When you drew the money in 1893 did you draw money for any one else? A Just her alone. Was nobody but her she says. She was living then with Pickman Henderson in Jacks Fork County. She was living in Jacks Fork at that time.
Q Was Pickman Henderson living in 1893? A Yes, sir, thinks so. She don't know.
Q What was his wife's name? A Salinah
Q Do you know whether there was any other Nancy Wesley living in Jacks Fork County in 1893 than yourself? A No, she says she don't know of any one of the same name as her. There was other Nancys.

Examination by Attorney Farmer.

Q At the time that the Commission first came around who was she living with at that time? A Daniel Fisher but wasn't married to him.
Q What was the name of Simeon Wesley's child? A Joseph Wesley.
Q Did Silwe have a child called Susan? A Yes, it was not Simeon's child. Its father was dead.
Q Are you sure you only drew money for yourself in 1893? Didn't draw any for any one else? A No, she never got anybody's money but her own.

Choctaw D 827
Choctaw D 855

Nancy Watson 4

Q Did you ever have a child called Martha? A [illegible], she never had a child.
Q Did she ever have a child living with her by the name of Martha? A No, sir.
Q Were not you living with Simeon Wesley in 1893? A He don't know the years -- what years it was.
Q At the time of the payment? A No, she was living with her aunt at that time. he come with Salina Pickman up to Atoka to register for that money and Wilson Jones and Jack Carns. They was all one family.
Q Ask her if she remembers about the year she married Simeon Wesley. About what year was it? A No, she don't know what year it was.
Q How long ago has it been? A Somewheres about ten years she reckons she says.

Re-examination by the Commission.

Q What was the name of the first man you lived with? A Simeon Wesley
Q Did you ever live with a man called Folsom? A Only the one she is living with now.
Q Did you live with any other man than Wesley, Billy and Folsom? A That was all she says. Just these.
Q Before you were married to Wesley did you live with any other man or family than your father and your grandfather Henderson? A She used to live with Susan Foster and from Susan Foster to Salina Henderson. That is from her father's house to Susan Foster and from Susan Foster to Salina Henderson.
Q How old were you when you lived at the Foster's house? A She was about that high she says. I don't know how many years old.
Q Did she marry Wesley from Salina Henderson's house? A Yes.
Q How old were you when you drew the money? A I don't know how many years old she was at that time.
Q Was she a grown up woman at that time? A Yes, sir, somewheres about twenty years old she says, as near as she can recollect.
Q You are sure that at that time -- you were never married at the time you drew that money? A No, sir, she says she was not married at that time.
Q What county did she live in when she was living with Simeon Wesley? A Jacks Fork County.
Q After she and Simeon Wesley separated, whom did she live with then? A Daniel Fisher.
Q What county did she live in when she was living with Daniel Fisher? A Jackson County.
Q About how long did she live with Daniel Fisher? A Didn't live with him quite a year.
Q Whom was she living with at the time she married Alfred Billy? A She lived at Kennedy Lawrence's.
Q When she left Daniel Fisher's where did she go to live? A She went to Kennedy Lawrence's.
Q How long did she live with Kennedy Lawrence? A She don't think she was there a year, she says.
Q How long did she live with Alfred Billy? A She don't know how many years but she says it was the first court they had at Mayhew.

Cheetaw D 827
Cheetaw D 855

Nancy Watson 5

Q How long did she live with him before he died, with Alfred Billy? A She don't know how many years it was. He died last August, a year ago. She lived with him from that time up until then.
Q Where is Simeon Wesley now, do you know? A In Jacks Fork County; that's where they lived when him and her lived together.
Q Did you ever go by the name of Nancy Lewis? A Yes, sir.
Q How did you get the name of Lewis? A After she married that man.
Q What was the man's name? A Battison Lewis.
Q How old a man was he at the time he married you? A Somewheres about forty years old, she says.
Q He was a good deal older than you were? A Yes, sir.
Q Do you remember when you were married to him? A No, don't know what year it was.
Q Did you have any children? A No, didn't have any children.
Q How long did you live with Battison Lewis? A Somewheres about six years, she says.

The names of Battison Lewis, thirty-five years old, and Nancy Lewis, sixteen years old, are found upon the 1885 Census roll of the Choctaw Nation, Jacks Fork County, numbers 92 and 93.

Q Where were you living at the time you lived with Battison Lewis? A Married in Wasmitia and moved to Jacks Fork.
Q How old were you when you married Battison Lewis? A About sixteen, somewheres about sixteen.
Q What has become of Battison Lewis? A Dead.
Q How long ago? A She don't know how many years it was, -- just before the annuity.
Q Did Battison Lewis have a farm? A About twelve acres he had in a farm.
Q How many hogs did he have at that time? A About fifteen.
Q Did he raise any cotton? A Didn't plant much cotton, just a little.
Q Did he plant a little cotton and corn? A Yes, sir.
Q How many horses did he have? A He had three but he sold one.
Q How long ago did you say Battison Lewis died? A She says she don't know how many years -- a good while.
Q Did you ever have a child called Mary? A No, sir.
Q Did Battison Lewis have a child called Mary? A Didn't have any children.
Q Did he marry another woman called Nancy? A Yes, he was living with another woman by the name of Nancy when he died.
Q Was the name Nancy Cole? A Yes, sir.

Battison Lewis is identified as Battice Lewis on card 1741.

Q What name did you give when you got the money in 1893? A Nancy Meantubbe.
Q Did you give the name of Nancy Lewis? A She told them Nancy Meantubbe.
Q Was the name Nancy Lewis mentioned at the time she applied for this money? A Pickman Henderson wanted her to sign her name as N Nancy Lewis when she went to draw her money.
Q Didn't they want to put her name down as Nancy Lewis? A Yes, sir, Pickman Henderson wanted her to put it down that way.

Choctaw D 827
Choctaw D 855

Nancy Watson 6

Q Was that before they was drawing money? A That was when they was registering.
Q At the time that you registered they wanted to put your name down as Nancy Lewis, didn't they? A Yes, sir.
Q And she wanted them to put it down as Meantubbe? A Yes, sir.
Q What is your name now? A Nancy Folsom.
Q Are you married to Folsom? A Yes, sir.
Q How long have you been married to him? A Married him about last January.
Q What was her name a year ago? A Nancy Billy.
Q Were you divorced from Billy? A No, sir, he died.
Q Do you want to be known as Nancy Mintubbe Billy? A Yes, sir.
Q Where do you get your mail? A Lane.

The applicant is identified upon the 1893 Choctaw Leased District Payment Roll, Atoka County, number 762.

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Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause at Muskogee, Indian Territory, on December 16, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause.

Wirt Franklin

Subscribed and sworn to before me this 2nd day of January, 1904.

Charles H. Lawyer
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
December 22, 1903.

Choctaw D 855
Choctaw D 827

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In the matter of the application for the enrollment of Nancy Wintubbe Billy as a citizen by blood of the Choctaw Nation.

William E. Anderson, being first duly sworn, on oath, testified as follows:

Examination by the Commission.

Q What is your name? A William E. Anderson.
Q Do you know Nancy Wintubbe Billy? A Yes, sir.
Q Do you know her first husband's name? A Pattice Lewis.
Q Did you know the applicant to be the wife of Pattice Lewis? A Yes, sir.
Q You know that they lived together as husband and wife in the Choctaw Nation, she and Pattice Lewis? A Yes, sir.
Q You are married at the present time to the widow of Pattice Lewis? A Yes, sir.
Q By the same name? A Yes, sir.
Q But not this Nancy Wintubbe Billy? A No, sir.
Q Do you know whether he was divorced from the applicant? A I don't know.
Q But he had another wife afterwards? A Yes, sir.
Q Where do you get your mail? A Roswell, Indian Territory.
Q That in the Choctaw Nation, is it? A Yes, sir.

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Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the five civilized tribes, he reported all proceedings had in the above entitled cause at Muskogee, Indian Territory, December 22, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said cause.

Wirt Franklin

Subscribed and sworn to before me this 7th day of January, 1904.

Charles D. Sawyer
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
December 22, 1903.

Choctaw D 855 ---------:---------
Choctaw D 827

In the matter of the application for the enrollment of Nancy Wintubbe Billy as a citizen by blood of the Choctaw Nation.

William H. Anderson, being first duly sworn, on oath, testified as follows:

Examination by the Commission.

Q What is your name? A William H. Anderson.
Q Do you know Nancy Wintubbe Billy? A Yes, sir.
Q Do you know her first husband's name? A Battice Lewis.
Q Did you know the applicant to be the wife of Battice Lewis? A Yes, sir.
Q You know that they lived together as husband and wife in the Choctaw Nation, she and Battice Lewis? A Yes, sir.
Q You are married at the present time to the widow of Battice Lewis? A Yes, sir.
Q By the same name? A Yes, sir.
Q But not this Nancy Wintubbe Billy? A No, sir.
Q Do you know whether he was divorced from the applicant? A I don't know.
Q But he had another wife afterwards? A Yes, sir.
Q Where do you get your mail? A Boswell, Indian Territory.
Q That in the Choctaw Nation, is it? A Yes, sir.

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Mirt Franklin, being first duly sworn, states that as stenographer to the Commission to the five civilized tribes, he reported all proceedings had in the above entitled cause at Muskogee, Indian Territory, December 22, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said cause.

Mirt Franklin

Subscribed and sworn to before me this 7th day of January, 1904.

Charles H. Sawyer
Notary Public.

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7-4171
7-D-855

Muskogee, Indian Territory, October 13, 1902.

W. S. Parker,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., relative to the enrollment of a Choctaw woman by the name of Nancy Folsom.

In your letter you advise that this woman alleges to have made application to the Commission at Ateka, Indian Territory, in November 1902; and that she has been known by numerous sur-names; and that the matter of her identification is one of some difficulty.

In reply to your letter you are advised there appears upon the 1896 Censusroll of the citizens of the Choctaw Nation, the name of one Nancy Watson; her age in 1896 was given as 26 and she was at that time enrolled as a resident of Ateka county. It is more than probable, from the information contained in your letter, that this is the woman to whom you refer. We have no record of any personal application ever having been made by her for enrollment as a citizen of the Choctaw Nation; but she has been listed for enrollment upon information furnished at the appointment of the Commission at South McAlester in December 1902 that she was then living.

W.S.J.2

Before it will be practicable to finally determine her right to enrollment it will be necessary that she personally appear before the Commission and testify relative to her residence, parentage, and such other data as the Commission may require.

Respectfully,

Commissioner in Charge.

7- D 855

Muskogee, Indian Territory, October 22, 1903.

W. S. Farmer,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 16, relative to the enrollment of Nancy Watson, in which you ask that her testimony, as indicated in our letter of October 13, be taken at the Land Office of the Commission at Atoka, Indian Territory.

In reply to your letter you are informed that as the testimony in the matter of the application of Nancy Watson for enrollment as a citizen of the Choctaw Nation should tend to identify her upon the tribal rolls of the Choctaw Nation and as such rolls are at the General Office of the Commission at Muskogee, Indian Territory, it is impracticable to take such testimony at the Choctaw Land Office at Atoka, Indian Territory. It will, therefore, be necessary for Nancy Watson to appear at the office of the Commission at Muskogee, Indian Territory, for the purpose of testifying relative to her right to enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Choctaw 5708
James F. Harris

5708

Transferred from Choc #D605 1-21-04

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

------O------

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of--

James F. Harris ---------- 7 D-605.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. January 11, 1901.

7-D-505

In the matter of the application of James F. Harris for enrollment as an intermarried citizen of the Choctaw Nation. James F. Harris being duly sworn by the Commission testified as follows:

Examination by the Commission.

Q What is your name? A James F. Harris .
Q How old are you? A Twenty two.
Q What is your post-office address? A Leflore.
Q How long have you lived in the Choctaw Nation? A I don't know exactly about ten or twelve years.
Q Have you maintained a continuous residence there for the past ten or twelve years ? A Yes sir.
Q Have you been outside of the Indian Territory in the past three years? A Not to live.
Q What is your father's name? A Matthew Harris.
Q Is he living? A Yes sir.
Q What is your mother's name? A Elizabeth.
Q Is your mother living? A Yes sir.
Q Your parents both white people ? A Yes sir.
Q Did either of them ever make any claim to Indian citizenship by blood? A None at all.
Q Have you ever made any claim to Indian citizenship by blood? A No sir.
Q Have you ever made any claim by intermarriage before this time? A No sir.
Q This is the first application you have ever made for recognotion by the Choctaw Tribe of Indians? A Yes sir.
Q You are now making application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is your wife's name? A Nellie Sexton , before she was married.
Q How old is your wife? A Nineteen years old.
Q What is the name of her father? A Thompson D. Sexton.
Q What is the name of her mother? A Lillie P. Sexton.
Q Are they both living? A No sir, the old man is dead. Old man Sexton. Her mother is living.
Q What is their post-office address? A Summerfield.

The name of Nellie H. Sexton, 18 years of age, the daughter of Thompson D. and Lillie P. Sexton, is found on Choctaw roll card field No. 3016 under date of June 21st , 1899.

Q Your wife has always been a resident of the Choctaw Nation?
A Yes sir, so far as I know.
Q When did you marry her? A The fourteenth of October, 1900.
Q Where were you married to her? A Summerfield.
Q By whom? A Judge Holson.
Q Married to her under a Choctaw license? A Yes sir.
Q Have you your marriage license and certificate? A Yes sir.
Q Let's see it.

There is offered in evidence the marriage license issued by C. T. Carshall, County Clerk of Sugar Leaf County, Choctaw Nation to James F. Harris, a citizen of the United States to marry Nellie

Sexton, a citizen of the Choctaw Nation. Also the oath of citizenship of James F. Harris, the 12th day of October, 1900. Also the certificate of N. J. Holson, Probate Judge of the First Judicial District of the Choctaw Nation as to the marriage of James F. Harris and Nellie Sexton, October 14th, 1900. Also the affidavit of Lillie P. Vaughn, the mother of Nellie H. Sexton. The same marked exhibit A filed and made a part of the records in this case.

The decision of the Commission as to your application for enrollment as an intermarried citizen of the Choctaw Nation will be based upon the testimony and evidence filed by you at this time and the Commission's decision will be mailed to you at your post-office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 11th day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 11th day of January, 1901.

Guy L. W. Emerson
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, Indian Territory, December 18, 1902.

Choctaw D 605.
Intermarried.

In the matter of the application of James F. Harris for enrollment as an intermarried citizen of the Choctaw Nation.

James F. Harris, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A James F. Harris.
Q How old are you? A Twenty four.
Q What is your post office address? A Summerfield, Indian Territory.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A About fifteen years.
Q Have you lived here continuously for the past fifteen years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw wife through whom you claim these rights? A Nellie H. Sexton.
Q Is she a recognized and enrolled citizen oft he Choctaw Nation? A Yes sir.
Q Have her rights as such ever been disputed? A No sir.
Q When were you married to Nellie H. Sexton? A In October, 1900.
Q Where was the marriage ceremony performed? A At Summerfield.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q Did you o btain a tribal license? A Yes sir.
Q From whom did you obtain that license? A The Clerk.
Q Of what county? A Sugar Loaf.
Q How much did you pay for that license? A One hundred dollars.
Q Who performed the marriage ceremony? A Judge N. J. Holston.
Q Were you ever married before your marriage to this woman? A Yes sir.
Q How many times? A Once.
Q What was the name of your first wife? A Alfie Hicks.
Q Was she dead at the time of your marriage to this Indian woman? A Yes sir.
Q Was Nellie H. Sexton ever married before her marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation of any kind whatsoever? A No sir
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

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Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 18th day of December, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes of ~~xx~~ said proceedin gs on said date.

Harry C Risteen

Subscribed and sworn to before me this 22 day of January 1903.

Notary Public

Marriage License

of

James F. Harris

Recorded in the Record book of Sugar Loaf Co Choctaw Nation in Vol. C. at Page 89.

Given under my hand and seal of this 28 day of Nov. A.D. 1900.

F. F. Marshall
Co. Clk

Commission expires
Oct. 1 — 1902

Choctaw Nation
County of Sugar Loaf

Marriage License

To any person authorized by Law to solemnize marriage

Greeting;

You are hereby Commanded to solemnize the Rite and publish the Bans of matrimony between James F Harris a citizen of the United States of Leflore I T age 22 years and Miss Nellie Sisson a citizen of the Choctaw Nation of Summerfield I T aged 19 years according to the Laws of the Choctaw Nation and do you officially sign and return this License to the parties herein named Witness my hand and seal this 12th day of October A D 1900.

E F Cornish
County Clerk.

Oath of Citizenship

I do solemnly swear that I will honor defend and submit to the Constitution and laws of the Choctaw Nation and will neither plot nor ask from the United States from the judicial tribunals or head of any protection privileges or redress incompatible with the rights as guaranteed to the Choctaw Nation by treaty stipulations entered into between them & the United States. So help me God. James F. Harris.

sign:

Sworn to and subscribed before me this 12 day of October A D 1901

F. N. Carhill
County Clerk of
Sugar Loaf County C.N.

Choctaw Nation
County of Sugar Loaf

Certificate of Marriage

I [illegible]
do hereby certify that on the
14th day of [illegible] A.D. 1900 I did
duly and according to law as
Commissioner issue the foregoing License
solemnize the Rite and Publish
the Banns of matrimony between
the parties therein named.

Witness my hand and
this 14th day of October A.D. 1900

[illegible]
[illegible]

Omnch
1910

7 D-605.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:-:-:0:-:-:-

In the matter of the application for the enrollment of James F. Harris as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that James F. Harris, on October 14, 1900, was married in accordance with the laws, customs and usages of the Choctaw Nation, to Nellie Sexton, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as Nellie H. Harris number 8837 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on January 17, 1903; that at the time of their said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and that they have lived together continuously in Indian Territory as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that James F. Harris should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

14 1910.

COPY. Choctaw D-606.

Muskogee, Indian Territory, January 4, 1904.

James F. Harris,

Leflore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered January 4, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

DECISION

Tams Bixby.

Chairman.

Registered.
Inc: 7-D-605.

Choctaw D-605.

Muskogee, Indian Territory, January 4, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered January 4, 1904, granting the applicatio of James [illegible]. Harris for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[illegible]

Chairman.

Registered.
Inc: 7-D-605.

Muskogee, Indian Territory, January 13, 1902.

James F. Harris,

Leflore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, replying to our communication of January 3, 1902, relative to your rights to enrollment as a citizen of the Choctaw Nation.

You state in your letter of the 10th instant that you are a white man and were married in October, 1900, to a Choctaw woman in accordance with the laws of the Choctaw Nation and made application for enrollment to this Commission at its office in Muskogee, Indian Territory, during the month of January, 1901, and filed your marriage license and certificate.

In your former letter of December 30, 1901, you desired to be informed if you had been enrolled by this Commission as a bona fide citizen of the Choctaw Nation.

Replying to your inquiry, you are informed that the Commission has not up to this time rendered any opinion relative to your rights to enrollment as a citizen by intermarriage of the Choctaw Nation.

It appears, however, from the record in this case that you were duly and lawfully married to a citizen of the Choctaw

(7 X)

Acted in accordance with the above laws but the Commission cannot render any opinion relative to the final rights of persons claiming citizenship by intermarriage in the Choctaw nation until some date is fixed or agreed upon for the final closing of the rolls of the citizens of that nation.

Yours truly,

Commissioner in Charge.

7 D 306

7-B-606

Muskogee, Indian Territory July 16, 1906.

James F. Harris,

Leflore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 13, asking if you are on the approved rolls of the Choctaw Nation as an Intermarried citizen.

In reply to your letter you are informed that it appears from our records that James F. Harris has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, but his final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Choc 5709 Lillian P. Overstreet

Trans from choc D_736 1-23-04

5709

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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The record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of--

LILLIAN P. OVERSTREET -------- 7 D-736.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 27, 1902.

In the matter of the application of Lillian P. Overstreet for enrollment as a citizen by intermarriage of the Choctaw Natin

Lillian P. Overstreet being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lillian P. Overstreet.
Q How old are you? A I'm eighteen years old.
Q What's your post office address? A Cowlington.
Q What nation is that in? A Choctaw.
Q How long have you lived in the Choctaw Nation? A Ten years.
Q Lived there continously for the past ten years? A Yes sir.
Q Have you been outside of the Indian Territory to make your residence in the past five years? A No sir.
Q What is your father's name? A R. A. Rabon.
Q Is your father living? A Yes sir.
Q What's your mother's name? A L. C. Rabon.
Q Is your mother living? A Yes sir.
Q Are your father and mother both white persons? A Yes sir.
Q Have they ever made any claim to citizenship by blood in any tribe of Indians? A No sir.
Q They are citizens of the United States? A Yes sir.
Q You are a white women are you? A Yes sir.
Q A citizen of the UnitedStates? A Yes sir.
Q Have you ever made any claim to citizenship by blood in any tribe of Indians? A No sir.
Q Have you ever drawn any payment or money as a member of any tribe of Indians? A No sir.
Q You are an applicant to this Commission for enrollment as a citizen ~~mx~~ by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband? A C. A. Overstreet
Q What is his full given name? A Charlie Alexander.
Q How old is he? A Twenty-four.
Q What's his father's name? A Tom Overstreet.
Q What is his mother's name? A Let's see; I dont know his mother's name.
Q Has your husband always lived in the Choctaw Nation?
A yes sir.
Q How long have you known him? A Five years.
Q He has always lived in the Choctaw Nation for the past five years has he? A Yes sir.
Q When were you married to him? A Two weeks ago Wednesday; June 11th.

The name of Charles A. Overstreet the husband of this applicant appears upon the records of the Commission on Choctaw roll card field number 2685 as a citizen by blood of the ChoctawNation having been identified by the Commission from the 1896 census roll of the citizens of the Choctaw Nation as a resident of Skullyville County.

Q What year were you married to him? A 1902.
Q Who married, you? A A. C. L. Alexander.
Q Were you married under United States licanse? A No, Choctaw license.
Q Have you your marriage license and certificate? A Yes sir.

There is offered in evidence marked exibit A., filed and made a part of the recordin this application, marriage license issued by E. J. Fannin Clerk of the United States Court Central District Indian Territory, June 5, 1902, to Charles A. Overstreet to marry Miss Lillian P. Rabon attached thereto being the certificate of C. L. Alexander as to the marriage of the above parties June 11, 1902, the same being recorded in Book 2 of the marraige records for the Central District of the Indian Territory page 106.

Q The marriage certificate that you now offer in evidence gives your name as Lillian P. Rabon; is it Lillian P. or Lillian T.? A Lillian P.
Q Were you ever married before you married this man?
A No sir.
Q Was he ever married before he married you? A Yes sir.
Q Who was he married to? A Miss Tommie Leard.

---O---

Charles Alexander Overstreet being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Charles Alexander Overstreet.
Q How old are you? A Twenty four, years old.
Q What is your post office address? A Cowlington.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q The husband of Lillian P. Overstreet? A Yes sir.
Q Were you ever married before you married her? A Yes sir.
Q Who? A Fannie Thomas Leard.
Q Is she living? A No sir; she's dead.
Q When was you married to her? A I was married to her in I suppose in the fall of '98.
Q How long did she live? A She lived about eighteen months.
Q Did you live with her up to the time of her death?
A Yes sir.
Q There was no legal obstruction to the marriage between you and this applicant Lillian P. Overstreet when you were married to her June 11, 1902? A No sir.
Q Neither of you had a living husband or wife from whom you had not been divorced? A No sir.
Q Since that time have you lived together as man and wife?
A Yes sir.

Lillian P. Overstreet--3.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 27th day of June 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 1st day of July 1902.

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, I. T., December 15th, 1902.

Choctaw D-736
Intermarried

-------oOo-------

In the matter of the application of Lillian P. Overstreet for enrollment as an intermarried citizen of the Choctaw Nation.

Lillian P. Overstreet being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Lillian P. Overstreet.
Q How old are you? A I am nineteen years old.
Q What is your post office address? A Cowlington, Indian Territory.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation?
A Ten years.
Q Have you lived here continuously for the past ten years?
A Yes sir.
Q Never made your home anywhere else during thatbtime? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A C. A. Overstreet.
Q Is he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Have his rights as such ever been disputed? A No sir.
Q When were you married to C. A. Overstreet? A 11th day of June, 1902.
Q Where was this marriage ceremony performed? A Bokoshe, Indian Territory.
Q At that time were both you and your husband bona fide residents of the Choctaw Nation? A Yes sir.
Q Who married you? A Rev. C. L. Alexander.
Q Were you ever married prior to your marriage to C. A. Overstreet?
A No sir.
Q Was he ever married prior to his marriage to you? A Yes sir.
Q What was the name of his former wife? A Annie T. Leard.
Q Was she dead at the time of your marriage to him? A Yes sir.
Q Since your marriage to C. A. Overstreet have you lived together continuously as husband and wife up to the present time?
A A Yes sir.
Q There has been no separation of any kind whatsoever? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

- - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 15th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 29 day of January, 1903.

Charles W. Sawyer

Notary Public.

Exhibit A"

No. 1148-

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY, } SCT:
Central DISTRICT.

I, E. J. Gannett, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of Mr. Charles A. Arrington and Miss Lillian P. Robson was filed in my office in said Territory and District the 11th day of June A. D. 1902 and duly recorded in Book 2 of Marriage Record, Page 106.

WITNESS my hand and seal of said Court, at Purcell this 12th day of June A. D. 1902

E. J. Gannett Clerk.

By J. J. Gannett Deputy.

T—880

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1902

ACTING CHAIRMAN.

No. 1448—

FORM NO. 598.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } SS:

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Charles A. Overstreet of Covington in the Indian Territory aged 24 years, and Miss Lillian R. Nabors of Bokoshe in the Indian Territory aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this 5th day of June, A. D. 1902

By J. J. Varnell Deputy.

E. J. Fasmire
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } SS:

I, C. L. Alexander
a Minister Gospel
do hereby CERTIFY, that on the 11th day of June, A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANNS OF MATRIMONY between the parties therein named.

Witness my hand this 11th day of June, A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book A, Page 159

C. L. Alexander
a M. G.

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

7—000

DR/lo

7 D-736.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

------:::------

In the matter of the application for the enrollment of Lillian P. Overstreet as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that Lillian P. Overstreet (nee Rabon), on June 11, 1902, was lawfully married to Charles A. Overstreet, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 7817 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on January 17, 1903: that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they have lived together continuously in said nation as husband and wife from the date of their said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Lillian P. Overstreet should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

W. E. Hardy
Commissioner.

Muskogee, Indian Territory,
JAN 6 1904

COPY.

7 D-736.

Muskogee, Indian Territory, January 6, 1904.

Lillian P. Overstreet,

Cowlington, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 6, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed thirty days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SEAL)

Thomas Riley.

Chairman.

Registered.

Enc. 7 D-736.

COPY.

7 D736.

Muskogee, Indian Territory, January 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered January 6, 1904, granting the application of Lillian P. Overstreet for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said Lillian P. Overstreet as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. 7 D-736.

7-5709

Muskogee, Indian Territory, March 13, 1905.

C. A. Overstreet,

Elkin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 8, 1905, asking for the return of the marriage license and certificate between Charles A. and Lillian P. Overstreet.

In reply to your letter you are informed that it is impracticable at this time to comply with your request for the return of the marriage license referred to but if you desire, a certified copy of the same will be forwarded.

Respectfully,

Chairman.

Choc 5710 John J. Beams

Phoebe C. Stanton trans from Choc Locker #D-444
Oct 31, 1904

Trans from Choc D444 Jan 25, 1904

0175

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify on my official oath as stenographer to the Commission, that this transcript is a true, full and correct translation of my stenographic notes.

WM Eccles

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Phoebe C. Staton as an intermarried Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Phoebe C. Staton.

Q How old are you? A Forty-five.

Q Were you married to a Choctaw Indian? A Yes sir.

Q When? A In 1873.

Q What was his name? A William Beams.

Q He was a recognized Choctaw citizen was he ? A Yes sir.

Q Did you live with him until he died? A Yes sir.

Q When did he die? A It has been sixteen years ago.

Q Since that time you have married a white man and a non-citizen?

A Yes sir.

Q His name is Staton is it? A Yes sir.

Q Were you married to the first man according to law?

A Yes sir, according to Choctaw law.

Q Who married you? A Dixon Durant, a minister of the Presbyterian Church.

Alexander B. Hamilton being sworn and examined states:

Q What is your name? A Alexander B. Hamilton.

Q How old are you? A Forty-four.

Q Did you know William Beams? A Yes sir.

Q Was he a Choctaw citizen? A Yes sir.

Q Do you know his wife?Phoebe C.? A Yes sir.

Q She is a white woman? A Yes sir.

Q Were you present when he was married to her? A No sir, but I lived there and knew all the circumstances of the marriage, and was at the dance the night after they was married.

Q Do you know that they lived together as husband and wife?

A Yes sir. Q After that until his death? A Yes sir.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 21st, 1902.

Choctaw D-444
Intermarried

--------oOo--------

In the matter of the application of Phoebe C. Staton for enrollment as an intermarried citizen of the Choctaw Nation.

Phoebe C. Staton being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Phoebe C. Staton.
Q How old are you? A I think I am forty-nine.
Q What is your post office address? A Thurman.
Q What Nation is that in? A Choctaw.
Q How long have you been a resident of the Choctaw Nation?
A About thirty-one years.
Q Have you lived here continuously for that length of time?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw husband through whom you claim?
A William Beames.
Q Was he a recognized citizen of the Choctaw Nation? A Yes sir.
Q His rights were never disputed? A No sir.
Q When were you married to William Beames? A '73.
Q Where was this marriage ceremony performed? A At Durant.
Q At that time both you and your husband were residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A D. D. Durant.
Q A minister of the gospel? A Yes sir.
Q Were you ever married before your marriage to William Beames?
A No sir.
Q Was he ever married before your marriage to him? A Yes sir.
Q How many times? A Once.
Q Was his wife dead at the time of your marriage? A No sir.
Q She was living? A Yes sir.
Q They were divorced? A Yes sir.
Q What was the name of this former wife? A Well I declare I can't remember it.
Q She was an Indian? A Yes sir, Indian--Choctaw Indian.
Q How long did you live with William Beames as his wife?
A Something over ten years.
Q Until his death? A Yes sir.
Q Lived with him continuously until his death? A Continuously until his death.
Q After his death did you remarry? A Yes sir.
Q How many times? A Just once.
Q What was the name of your second husband? A W. W. Staton.
Q Is he a white man? A Yes sir.

Phoebe C. Staton----2

Q When were you married to W. W. Staton? A We have been married fourteen years. No, I am mistaken; sixteen years last May, the first day of May.
Q Where were you married to him? A On Canadian.
Q You are at present a bona fide resident of the Choctaw Nation?
A Yes sir.

- - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 21st day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan,

Subscribed and sworn to before me this 14" day of January, 1903.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Ateka, I. T., November 21st, 1902.

Choctaw D-444
Intermarried

--------oOo--------

In the matter of the application of Phoebe C. Staton for enrollment as an intermarried citizen of the Choctaw Nation.

Phoebe C. Staton being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Phoebe C. Staton.
Q How old are you? A I think I am forty-nine.
Q What is your post office address? A Thurman.
Q What Nation is that in? A Choctaw.
Q How long have you been a resident of the Choctaw Nation?
A About thirty-one years.
Q Have you lived here continuously for that length of time?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw husband through whom you claim?
A William Beames.
Q Was he a recognized citizen of the Choctaw Nation? A Yes sir.
Q His rights were never disputed? A No sir.
Q When were you married to William Beames? A '73.
Q Where was this marriage ceremony performed? A At Durant.
Q At that time both you and your husband were residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A D. D. Durant.
Q A minister of the gospel? A Yes sir.
Q Were you ever married before your marriage to William Beames?
A No sir.
Q Was he ever married before your marriage to him? A Yes sir.
Q How many times? A Once.
Q Was his wife dead at the time of your marriage? A No sir.
Q She was living? A Yes sir.
Q They were divorced? A Yes sir.
Q What was the name of this former wife? A Well I declare I can't remember it.
Q She was an Indian? A Yes sir, Indian--Choctaw Indian.
Q How long did you live with William Beames as his wife?
A Something over ten years.
Q Until his death? A Yes sir.
Q Lived with him continuously until his death? A Continuously until his death.
Q After his death did you remarry? A Yes sir.
Q How many times? A Just once.
Q What was the name of your second husband? A W. W. Staton.
Q Is he a white man? A Yes sir.

Phoebe C. Staton----2

Q When were you married to W. W. Staton? A We have been married fourteen years. No, I am mistaken; sixteen years last May, the first day of May.
Q Where were you married to him? A On Canadian.
Q You are at present a bona fide resident of the Chootaw Nation?
A Yes sir.

- - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 21st day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14th day of January, 1903.

Notary Public.

W
Ex

Dbw

7-D-444.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Phoebe C. Staton as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on December 25, 1873, the applicant, Phoebe C. Staton, was lawfully married to William Beams, a recognized citizen by blood of the Choctaw Nation, the names of whose children, John T. Beams, William T. Beams, Ida F. Brown and Hettie A. Brown, by said marriage appear as numbers 15511, 15512, 15513 and 15514 respectively, upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat.,641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, May 9, 1904; that at the time of said marriage both persons first above mentioned were residents in good faith of the Choctaw Nation, and lived together as husband and wife continuously from the date of said marriage until the death of the said William Beams, about ten years thereafter; that subsequently the applicant was married to W. W. Staton, a non-citizen white man. The applicant had been a resident in good faith of the Choctaw Nation from the time of her said marriage to William Beams up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission, the applicant is identified upon the 1896 Choctaw Census Roll, page 390, number 15036, enrolled thereon as a citizen by intermarriage of the Choctaw Nation.

It is, therefore, the opinion of this Commission that Phoebe C. Staton should be enrolled as a citizen by intermarriage

of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

No. 1933

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } SCT:

I, E J Jamison, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of Mr. Elmer Brown and Miss Ida Beames was filed in my office in said Territory and District the 20 day March A. D. 1901 and duly recorded in Book 9 of Marriage Record, Page 362

WITNESS my hand and seal of said Court, at S. McAlester this 19 day of April A. D. 1901

E J Jamison
Clerk.

By ..... Deputy.

T—660

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 22 1902

ACTING CHAIRMAN.

No. 1932

FORM No. 598.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } ss:

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Elm Brown of Thurman in the Indian Territory aged 21 years, and Miss Ida Reaves of Thurman in the Indian Territory, aged 20 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this 26 day of March, A. D. 1901

[signature]
Clerk of the United States Court.

Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
DISTRICT. } ss:

I, W R Edwards a Minister of the Gospel do hereby CERTIFY, that on the 27 day of March, A. D. 1901, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANNS OF MATRIMONY between the parties therein named.

Witness my hand this 27 day of March, A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book B, Page 6

W R Edwards
a Minister of the Gospel

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00). 7—000

[illegible] Peterson

7-D 444

No. 342

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT } SCT:

I, E. J. Jannin, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of Mr. Foster Brown and Miss Nellie Brown was filed in my office in said Territory and District the 15 day of Nov. A. D. 1902 and duly recorded in Book 10 of Marriage Record, Page 334 as shown by the record

WITNESS my hand and seal of said Court, at So. McAlester this 24 day of December A. D. 1902

E. J. Jannin Clerk.

By W. C. Donnelly Deputy.

7—800

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 24 1902

No. 3143

FORM NO. 593.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } ss:

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the **Banns of Matrimony** between Mr. Foster Brown of Hartshorn in the Indian Territory, aged 21 years, and Miss Hettie Beams of Hartshorn in the Indian Territory, aged 20 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this 22 day of Nov. A. D. 1902

W C Donnelly
Deputy.

E J Jamison
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } ss:

I, J J Rice
a Minister of the Gospel
do hereby CERTIFY, that on the 23rd day of Nov. A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANNS OF MATRIMONY between the parties therein named.

Witness my hand this 23 day of Nov. A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book B, Page 38

J J Rice
Minister of Gospel

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

7—000

CHOCTAW. INDEXED

20

IN RE

Application for Enrollment of

INFANT CHILD

Viola Victoria Beams

as a citizen of

Choctaw Nation.

Approved MAR 22 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 22 1902

Acting Chairman.

CHOCTAW.

D-444

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation.
of Viola Victoria Beams, born on the 9th day of November, 1900
(Here insert name of child)
Name of Father: Thomas Beams, a citizen of the Ch. Choctaw Nation.
Name of Mother: Victoria Beams, a citizen of the Choctaw Nation.
Post-office, Indianola I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Luvina Victoria Beams, on oath state that I am [illegible] years of age and a citizen, by Marriage, of the Choctaw Nation; that I am the lawful wife of William Thomas Beams, who is a citizen, by Blood, of the Choctaw Nation, that a female (male or female) child was born to me on the 9th day of November 1900; that said child has been named Viola Victoria Beams, and is now living.

Luvina Victoria Beams
her + mark

WITNESSES TO MARK (Must be Two Witnesses)
W. F. Rhoads
C. M. Nicholson

Subscribed and sworn to before me this 14th day of March 1902.

Will T. Walker
County Clerk
County, Choctaw Nation.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Phoebe Staton, ——, on oath state that I attended on Mrs. Luvina Victoria Beams, wife of William Thomas Beams on the 9th day of November, 1900; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Viola Victoria Beams.

Phoebe + C. Staton
her mark

WITNESSES TO MARK (Must be Two Witnesses)
W. F. Rhoads
C. M. Nicholson

Subscribed and sworn to before me this 14th day of March 1902.

Will T. Walker
County Clerk
County, Choctaw Nation.

CHOCTAW.

20 INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Pearlie P. Brown,

as a citizen of

Choctaw Nation.

Approved, MAR 22 1902 190

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 22 1902

ACTING CHAIRMAN.

CHOCTAW.

D 444

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Pearlie Catherine Brown, born on the 28th day of December, 1901
(Here insert name of child)
Name of Father: Clm Brown, a citizen of the United States ~~Nation~~.
Name of Mother: Ida Francis (Beams) Brown, a citizen of the Choctaw Nation.
Post-office. Indianola I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~INDIAN TERRITORY.~~
Central District.

I, Ida Francis (Beams) Brown, on oath state that I am 21 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of Clm Brown, who is a citizen, by ——, of the United States ~~Nation~~; that a female (male or female) child was born to me on the 28th day of December 1901; that said child has been named Pearlie Catherine Brown, and is now living.

Ida Francis Brown

WITNESSES TO MARK
(Must be Two Witnesses)
W. F. Shook
C. M. Nicholson

Subscribed and sworn to before me this 14th day of March 1902.

Will T. Walker
County Clerk Pickens County, C. N.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, ~~INDIAN TERRITORY.~~
Central District.

I, Phoebe C. Slaton, ——, on oath state that I attended on Mrs. Ida Francis Brown, wife of Clm Brown, on the 28th day of December, 1901; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Pearlie Catherine Brown.

her
Phoebe C. Slaton.
mark

WITNESSES TO MARK
(Must be Two Witnesses)
W. F. Shook
C. M. Nicholson

Subscribed and sworn to before me this 14th day of March 1902.

Will T. Walker
County and ~~Notorial~~ Clerk
Pickens Co. C. N.

MEMORANDA.

(Date) ..... 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

John [illegible]	County	Year	Page	No.
William [illegible]	County	Year	Page	No.
Ida F.	County	Year	Page	No.
Hattie C.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 22 1902

ACTING CHAIRMAN.

This is to certify that Mr. William Beams and Miss Phoebe Steward were solemnly united, by me, in the holy bonds of matrimony at Durant, I. T., on the 25th day of December, in the year of our lord one thousand eight hundred and seventy-three in conformity to the ordinances of God and the laws of this nation.

Rev. D. D. Durant

In the presence of my family.

I William T. Walker. County Clerk of Pobuckey County. Choctaw Nation. Indian Territory. do hereby certify that the above and foregoing Marriage Certificate is a true and correct copy of the original. as recorded in Book. D. Page 352. of the records of Pobuckey County. Choctaw Nation.

Witness my hand. and seal of said Court. This 15th day of March. A. D. 1902.

Will T. Walker.
County and Probate Clerk.
Pobuckey County. Choctaw Nation. Indian Territory

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 22 1902

ACTING CHAIRMAN.

United States of America

Indian Territory

Central Judicial District

Before me, Jas. R. Wood, a notary public within and for the Central Judicial District of the Indian Territory, appeared Lucy Roark, who stated on her oath the following:

"My name is Lucy Roark, my age is 51 years, and my address is Coalgate, Indian Territory. I was born in the Indian Territory, and am a citizen by blood of the Choctaw nation of Indians.

I knew William Beams, and knew he was by blood a Choctaw Indian. In the year 1873, I saw William Beams married to Phoebe Steward by the Rev. D. D. Durant. The marriage occurred at Rev. Durant's home on Christmas night, near Durant station, Indian Territory.

I know that they lived together as husband and wife from the date of their marriage, as aforesaid, until the death of William Beams. I know that this Phoebe Staton is the same woman that married William Beams, in the year 1873.

I have no interest in this case whatever, and am not related to this applicant."

Witness: Paul S Sam

her
Lucy Ann X Roark
mark

Subscribed and sworn to before me this the 14th day of February, 1902, in the town of Coalgate, Indian Territory.

Jas R Wood,

Notary Public.

Filed in my office this 15th day of March 1902. And duly Recorded in Book D. page 353. of The Pobuckey County Records.

Witness my hand and official seal this 15th day of March 1902.

Will T. Walker.

Co. & Pro. Clerk Pobuckey Co. C.
Indian Territory.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 5 1902

ACTING CHAIRMAN.

William Reams [illegible]
[illegible] Court [illegible] 3rd [illegible] District
praying for a bill of divorce [illegible] for the
[illegible]

And now after hearing the testi-
mony in the case this day adduced
and done that the said William Reams
be divorced from the bonds of matrimony
and the said Eliza Reams from
existing between them and that
and that the said William Reams be
forever hereafter [illegible] from her.

[illegible]
this 2[illegible] day [illegible] 18[illegible]
[illegible] Wallace
P. & C.C.
D. C.

Muscogee, Indian Territory,

August 18th, 1900.

Phoebe Staton,

Thurman, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

T-D-444.

Muskogee, Indian Territory, September 18, 1900.

Phoebe Staton,

Thurman, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. However, the notice of protest has been withdrawn in your case by the attorneys for the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

7-19-444

Acting Chairman.

Muskogee, Indian Territory, September 22, 1900.

Mrs. Phoebe Staton,

Thurman, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 15th instant in the matter of the protest filed by the representatives of the Choctaw Nation as to your enrollment as a citizen by intermarriage of that Nation.

Since notifying you on August 16th, 1900, of the filing of said protest, the Commission has been informed by the Choctaw Nation that they desire to withdraw the protest entered as to your enrollment as a citizen of that Nation and it will therefore not be necessary for you to appear before the Commission at the appointment in Atoka Next December or at the present time take any steps looking to your enrollment.

Yours truly,

Acting Chairman.

7-D-444

Choctaw D 448

Muskogee, Indian Territory, March 4, 1902.

Phoebe Staton,

Indianola, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 23, 1902, in which you state that on August 18, 1900, you received a notification from this Commission to the effect that the Choctaw Nation had filed a protest to your enrollment as a citizen by intermarriage of the Choctaw Nation and that additional testimony would be heard in your case at Atoka, Indian Territory, beginning December 3, 1900 and that again, on September 18, 1900, you were notified by the Commission that the protest theretofore filed by the Choctaw Nation in your case had been withdrawn and that it would not be necessary for you to present additional testimony in support of your rights to enrollment as a citizen by intermarriage of the Choctaw Nation.

You now desire to be informed if there is any objection to your enrollment as a citizen by intermarriage of the Choctaw Nation and if so that you be notified thereof and that a time and place be fixed for the introduction of such additional evidence.

Replying to your inquiry you are advised that it appears from our records that on September 6, 1899, you made application

to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records in this case, that in 1873 you married William Beams, a citizen by blood of the Choctaw Nation and lived with him until his death and subsequently you married a white man, non citizen of the Choctaw Nation.

There is not on file with the records in this case any evidence of your marriage to your Choctaw husband, further than the testimony of Alexander B. Hamilton as to his knowledge of such marriage and it would be advisable in the matter of your enrollment as a citizen by intermarriage of the Choctaw Nation, that you supply at as early a date as practicable either the original or certified copy of your marriage certificate to William Beams. If it is impossible to secure such certificate, you should supply the affidavits of two disinterested persons who were present at your marriage to William Beams.

The Commission cannot at this time render any opinion relative to the final rights to enrollment of persons as citizens by intermarriage of the Choctaw Nation and it is probable that your case will not be taken up for final consideration until some time to come.

When a decision is reached relative to your rights to enrollment as a citizen by intermarriage of the Choctaw Nation, you will be duly notified thereof by the Commission and in the event

that such decision is unfavorable to you, an opportunity will be afforded you to present your case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Cherokee D 406

Muskogee, Indian Territory, March 22, 1902.

Will T. Walker,

Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, enclosing letters of the Commission of date of August 18, 1900, September 10, 1900 and September 21, 1900 to Mrs. Phoebe Staton, Thurman, Indian Territory, relative to the protest to her enrollment as a citizen of the Cherokee Nation filed with the Commission by the legal representatives of the Nation, with the affidavits of Lucy [illegible] Roark and D. B. Durant as to the marriage of William Beans and Phoebe Steward, December 25, 1873.

The affidavits contained in your letter have this day been filed and made a part of the record in the matter of the application of Phoebe C. Staton and her children for enrollment as citizens of the Cherokee Nation and the letters of the Commission are returned you herewith.

Yours truly,

Enc E 147

Commissioner in Charge.

Choctaw D 444

Muskogee, Indian Territory, April 4, 1902.

Phoebe C. Staton,

Indianola, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, relative to your application for enrollment as a citizen by intermarriage of the Choctaw Nation and stating that you can get another affidavit as to your first marriage.

If you desire to offer additional evidence on your marriage to William Beams, the Commission will accept and file the same in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw D 444

Muskogee, Indian Territory, October 20, 1902.

Phoebe C. Staton,

Indianola, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you desire information relative to your enrollment as a citizen by intermarriage of the Choctaw Nation .

In reply to your letter you are advised that it appears from our records that on September 6, 1899 Phoebe C. Staton made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. The Commission has not up to this time rendered a decision in the matter of such application.

You are further advised that on September 25, 1902, there was ratified by the citizens of the Choctaw and Chickasaw Nations, an agreement closing the rolls of the citizens of the Choctaw and Chickasaw Nations on that date.

The rolls as now being made by this Commission of the citizens of these two tribes will be as of September 25, 1902 and it is necessary that the Commission ascertain the status of all applicants for enrollment as intermarried citizens on the date of the final ratification of such agreement.

J Q K S

as an intermarried citizen of the Choctaw Nation on September 25, 1902, may be determined.

Respectfully,

Acting Chairman.

Enc. circular

T-D-444.

Muskogee, Indian Territory, December 5, 1902.

Phebe C. Staton,

Indianola, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th ultimo, enclosing copy of the decree of divorce between William Beams and Sylvy Beams, which you offer in support of the application for enrollment as an intermarried citizen of the Choctaw Nation.

The same has been filed with the record in your case.

Respectfully,

Acting Chairman.

7-D-444.

COPY.

Muskogee, Indian Territory, October 15, 1904.

Phoebe C. Staton,

Indianola, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Register.

Encl. 7-D-444.

7-D-444

COPY.

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Phoebe C. Staton as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, Phoebe C. Staton's name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Registered. For registry receipt

Encl. 7-D-444. see 7)D-447.

7-D-444

Muskogee, Indian Territory, October 9, 1903.

Hettie Brown,

Indianola, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 14, 1903, requesting information relative to your application for enrollment as a citizen by blood of the Cheetaw Nation.

In reply to your letter you are advised that the application for enrollment of your mother, Phoebe C. Staton and her minor children, among whom the name of Hettie A. Brown appears, has not, up to this time, been passed upon by the Commission; when a decision is rendered Phoebe C. Staton will be furnished with a copy thereof.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 28, 1901.

William Thomas Beams,

Indianola, Indian Territory.

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Viola Victory Beams, the infant daughter of William Thomas and Lavinia Beams, born November 9th, 1900.

The same is returned to you herewith for the reason that it does not appear from our records that any party by the name of Lavinia Beams has ever been listed for enrollment by this Commission as a citizen by intermarriage of the Choctaw Nation.

The records of the Commission show that a William T. Beams 20 years of age and the son of William Beams and Phoebe B. Staton, of Thurman, Indian Territory, on September 6th, 1899 was listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation. If you are the party thus listed you are requested to so inform the Commission.

It is stated in the affidavit of the mother that she is 27 years of age and a citizen by marriage of the Choctaw Nation. Your wife instead of signing the affidavit by her married name Lavinia Beams, signed the name Lavina Victory.

It is necessary for the Commission in the matter of the application for the enrollment of your child to first identify you as listed for enrollment as a citizen of the Choctaw Nation and then that you supply either the original or certified copy of the

V 7 2 8

marriage license and certificate between yourself and the mother of such child.

There is also enclosed you herewith a new blank application for the enrollment of this child and in having the same executed you are requested to have your wife sign her name by her married name of Lavina Keene.

Upon receipt of information identifying you as listed for enrollment as a citizen of the Choctaw Nation and also the evidence of your marriage to your wife and the return of the application for the enrollment of your child in proper form, the matter will receive further consideration.

Yours truly,

Acting Chairman.

7-D-444

Enc 1

WG

Choctaw 3 446

Muskogee, Indian Territory, March 22, 1902.

Will T. Walker,

Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, enclosing the marriage certificate of Tom Beams and Miss Vic Kendricks of January 19, 1901, together with the application for enrollment as a citizen of the Choctaw Nation of Viola Victoria Beams, the infant daughter of Thomas and Victoria Beams born November 9, 1900 and the same being in proper form has been accepted and filed with the records of this Commission as evidence of the birth of the child.

You also enclose marriage certificate of Kin Brown and Ida Beams, together with the application for enrollment as a citizen of the Chester Nation of Pearlie Catherine Brown, the infant daughter of Kin and Ida Francis Brown, born December 28, 1901, and the same being in proper form has been accepted and filed with the records of the Commission as evidence of the birth of this child.

You are requested to advise the parents of these two children of the receipt and acceptation of these papers as evidence of the births of these children and for consideration in the

W.C.W.S.

disposition of their rights to enrollment as citizens of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw 5710

Muskogee, Indian Territory, January 26, 1904.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of January 18, in which you ask to be advised as to the status of William T., J. J. , Hettie and Ida Beams, and if there is any question as to their right to enrollment that you be so informed.

In reply to your letter you are advised that it appears from our records that John J. Beams and his brother, William T. Beams, and his two sisters Ida F. Brown and Hettie A. Brown and his two nieces, Viola Victoria Beams and Pearlie Cathrine Brown have been listed for enrollment as citizens by blood of the Choctaw Nation on Choctaw roll card Number 5710.

You are further informed that there is no question as to the rights of these persons to enrollment and their names will be placed upon the next schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Y-8710

Muskogee, Indian Territory, June 18, 1904.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

Referring to original Choctaw enrollment card, No. 8710, John J. Beans, et als, and to the name of Pearlie Catharine Brown, appearing on line 6 of said card, you are advised that in the column "Name of Mother" the same has been changed from No. 4 to No. 3.

You are therefore requested to make like changes upon the duplicate of corresponding number in your possession.

Respectfully,

Chairman.

Choctaw-D-444

Muskogee, Indian Territory, January 13, 1904.

Ida Frances Brown,

Choate, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 7, 1904, asking the status of your enrollment.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as a citizen by blood of the Choctaw Nation.

As soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Chairman.

9-5710

Muskogee, Indian Territory, January 27, 1906.

W. W. Lindly,

Attorney at Law.

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 24, 1906, asking the status of the application of Pheeba Staton.

In reply to your letter you are informed that Phoebe C. Staton has been enrolled by the Commission as an intermarried citizen of the Choctaw Nation and her enrollment as such was approved by the Secretary of the Interior November 16, 1904. Selection of allotment may now be made in her behalf in accordance with the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

7-5710

Muskogee, Indian Territory, June 22, 1906.

Foster M. Brown,

Indianola, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 2, 1906, in which you state the parents of Hettie A. Brown are William W. Beams and Phebe C. Staton, and this information has enabled this office to identify Hettie A. Brown upon its records as a citizen by blood of the Choctaw Nation, and the affidavits heretofore forwarded to the birth of Della Victory Brown have been filed as an application for her enrollment.

Respectfully,

Commissioner.

Choc 5711 Cassandra Frances O'Neil

Trans from Chick 0152 1-25-04

5711

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

Record in the matter of the application for the enrollment as a citizen of the Choctaw Nation of

CASSANDRA FRANCES O'NEIL, 9-D-152.

---:---

9-D-152

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tishomingo, Indian Territory, November 6, 1902.

In the matter of the application for enrollment of Cassandra Francis O'Neil as a citizen by intermarriage of the Chickasaw Nation.

Said Cassandra Francis O'neil, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Cassandra Francis O'Neil.
Q What is your age? A Seventy two years old the 14th of next February.
Q What is your postoffice address? A Silo.
Q You claim right to enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q Were you admitted by the Dawes Commission in 1896 as an intermarried citizen? A I understand I was.
Q About six years ago didn't you send your papers to the Dawes Commission and make application for enrollment? A No sir, not for enrollment--they were sent for to see if I could hold my home in the Choctaw or Chickasaw Nation.
Q Were you enrolled by the Dawes Commission at that time? A Not x then I reckon--I was enrolled at Colbert by the Dawes Commission.
Q Was your case in the United States court? A Not that I know of.
Q Have you a husband living? A No sir, he's dead.
Q When did he die? A The fifth of last September a year ago.
Q How long had you been living with him prior to his death?
A We was married in 1875.
Q Did you live with him continuously up until his death? A Yes sir.
Q What was his name? A Hiram O'Neil.
Q Have you remarried since his death? A No sir.
Q Have you been outside of the Indian Territory in the last seven years to establish a residence or make a home? A No sir, not since 1867.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Tishomingo, Indian Territory, November 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Miles

Subscribed and sworn to before me this the 26 day of November, 1902.

Charles Hasaurer

Notary Public.

Wox

I ... Rogers ... Capt ... Co ...
Miss C. Martin ... the holy bonds of
Matrimony
This ... 29 day of Oct ... 1861
Present
... Rogers
Willis Colbert Clerk
I ... certify that this is a true
copy of Capt Gall (Co ... and
Miss C. Martin ... as ...
... Clerks office ... Jackson County
C. H.
... Rogers
Willis Colbert Clerk
Circuit Court
C. H.

State of Blue county, } ss.
January 7th 1875

I do certify that I married Hiram Miller
to Cassandra F. Kemp on this day and date
J. F. Gardner J. P.

DGW

9-D-152.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----------:----------

In the matter of the application for the enrollment of Cassandra Frances O'Neil as a citizen by intermarriage of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on October 11, 1898, Cassandra Frances O'Neil appeared before the Commission and made application for enrollment as a citizen by intermarriage of the Chickasaw Nation. Further proceedings were had in the matter of this application at Tishomingo, Indian Territory, on November 6, 1902.

It appears from the records of the Commission that on September 5, 1896, in the case entitled "Casandra T. Oneil vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 243), the applicant herein made original application to this Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission to citizenship in the Choctaw Nation, claiming her right thereto by virtue of her marriage with Joel Kemp, a recognized citizen by blood of both the Choctaw and Chickasaw Nations, who died in 1874, and on December 2, 1896, the said Cassandra Frances O'Neil was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

It further appears that the applicant herein was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards in 1898 and 1899 having been first examined as to such fact, although their testimony was not reduced to writing.

It is, therefore, the opinion of this Commission that Cassandra Frances O'Neil should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions

of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN - 1904

Chickasaw D-152.

Muskogee, Indian Territory, January 7, 1904.

Cassandra Frances O'Neil,

Silo, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 7, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.

Enc: 9-D-152.

Chickasaw D-152.

Muskogee, Indian Territory, January 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered January 7, 1904, granting the application of Cassandra Frances O'Neil for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file protest against the action of the Commission in enrolling the said Cassandra Frances O'Neil as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Chairman.

Registered.

Enc: 9-D-152.

Chickasaw D 152

Muskogee, Indian Territory, April 14, 1904.

J. M. Franklin,

Platter, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 7, asking the status of your enrollment and also when you will be allowed to file on your land.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation, but as soon as a decision is reached in your case, you will be notified of the action taken therein. The Commission is passing upon applications for enrollment in the Choctaw and Chickasaw Nations as rapidly as practicable, but it is impossible at this time to state just when your case will be reached for consideration and determination.

Pending your enrollment by the Commission and the approval thereof by the Secretary of the Interior you will not be permitted to make selection of allotment. However, if you will forward a description of the land upon which you have improvements and which you desire to select as an allotment, proper notation will be made on our records and you will be notified should any other citizen file

J M F 2

thereon and you will be permitted to institute contest proceedings therefor.

Respectfully,

Commissioner in Charge.

Choc 5712 James Franklin Standley

5712

Trans from Choc D 825 Jan 26, 1904
Feb 6, 1904 Protest of Attys for Nations filed
Feb 12, 1904 Record forwarded secretary
Feb 12, 1904 applicant notified
July 22, 1904 Decision of Com. enrolling applicants affirmed by Dept
Notices forwarded attys and applicants July 1904
Dec 17-07 No 2 transferred to this card

Choctaw.
(Original)

Department of the Interior,
Commission to the Five Civilized Tribes.
Ada, I. T., November 14, 1903.

In the matter of the application of James Franklin Standley for enrollment as a citizen by blood of the Choctaw Nation.

Eugene White, Attorney for Applicant.

James Frankling Standley being duly sworn testifies as follows:

Examination by the Commission.

Q Your name is James Franklin Standley? A Yes sir.
Q What is your age? A Twenty-two years old.
Q What is your post office address? A Sulphur.
Q That is in the Chickasaw Nation? A Yes sir.
Q How long have you lived in the Chickasaw Nation? A About two months.
Q Where did you live before that? A I lived in the Choctaw Nation.
Q How long were you a resident of the Choctaw Nation? A All my life.
Q That has been your home all your life up until the last two months? A Yes sir.
Q What is the name of your father? A Frank Standley.
Q What is the name of your mother? A Sylvia Standley.
Q Is your father living? A No sir.
Q Did your father make any claim to any Indian blood? A Yes sir, he was an Indian.
Q A Choctaw? A Yes sir.
Q Was your mother an Indian? A No sir.
Q She was a white woman? A Yes sir.
Q Is she living? A No sir.
Q How much Choctaw blood did your father have? A I dont know.
Q Did you ever appear before the Commission and make application for enrollment as a citizen of the Choctaw Nation? A No sir.
Q Was any application ever made for you? A No sir.
Q Was any application made for your admission to citizenship in the Choctaw Nation? A I dont know.
Q Were your family before the Commission in 1896 making application for citizenship in the Choctaw Nation? A I think so; I dont remember myself of going before the Commissioners.
Q Have you any brothers or sisters? A Yes sir.
Q Name them please? A Ida Norman, then myself, Ephraim Standley, Mabel Standley, Inez Standley,
Q Are these all living? A All but one, Ephraim is dead.
Q Have you a sister named Adir? A Ada Tilley.
Q Do you know wether application was made for the admission of these people whom you have just named to citizenship in the Choctaw Nation in 1896? A I dont know hardly what you mean.
Q Was any application made for your brothers and sisters in 1896 that you know of? A I dont know whether it was an application or not; they were on the roll; that is, they said they registered; I dont know anything about it.
Q Do you know anything about this paper which you handed me? A No sir; I have saw it before.
Q Where did you get it? A From my sister.

James Franklin Standley———8

Q Are you the James Franklin Standley who is mentioned in this paper as having been an applicant to the Commission in 1896 for admission to citizenship? A Yes sir, I am the one on there.
Q These other parties mentioned are yur brothers and sisters? A Yes sir.
Q You have never appeared before the Commission in person, have you, since this time? A No sir, I would have at Canadian if I had been there, but I was not there.
Q Where were you in 1898 when the Commission was around enrolling the citizens of the Choctaw Nation? A I was living over at Eufaula.
Q Just state the reason you did not appear before the Commission then? A I was in jail.

——There is offered in evidence, marked "Exhibit A", and made a part of the records in this case, letter from H. M. Jacoway, Secretary to the Commission to the Five Civilized Tribes, enclosing a certified copy of the record in the case of Sylvia Standley, et al., vs the Choctaw Nation.——

By Mr Walker, Chickasaw Commissioner:
Q You claim to be the son of Frank Standley? A Yes sir.
Q Your mother was rejected, was she not, on account of her blood? A I dont know whether she was or not.
Q Frank Standley was just a man that just come here and claimed a right was he not? A I dont know.

By the Commission:
Q Mr. Standley, do you now make application for enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.

———

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ada, I. T., on the 14th day of November, 1902, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 25 day of November, 1902.

Charles Ketcherside
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Fort Smith, Arkansas, December 4, 1896.

Silvia Standley et al,
vs.
Choctaw Nation.

Filed Sept. 7, 1896, Answer filed, Silvia Standley rejected: Ida, James Franklin, Adair, O Ephram, May & Earnest Standley admitted as citizens by blood: all others rejected.

Wilkinson & Wilkinson, So. McAlester, I. T.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Choctaw Record C page 337 of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this the 26 day of June, 1897.

H. M. Jacoway, Jr.,
Secretary.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

Ft. Gibson, Indian Territory, June 27, 1897.

E. I. O'Reiley,Esq.,

Eufaula, Indian Territory.

Sir:-

In compliance with your request of recent date I herewith inclose you a certified copy of the record in the Silvia Standley case, which I hope will give you the information you desire.

Very Respectfully,

H. L. Jacoway, Jr.,
Secretary.

Endorsed on back:
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED NOV 14 1902

Tams Bixby Acting Chairman.

Emmer

7 D-825.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

------:O:------

In the matter of the application for the enrollment of James Franklin Standley as a citizen by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that James Franklin Standley appeared before the Commission at Ada, Indian Territory, on November 14, 1902, and made application for his enrollment as a citizen by blood of the Choctaw Nation.

It further appears from the records of the Commission that on September 7, 1896, in the case entitled "Silvia Stanley vs. Choctaw Nation" 1896 Choctaw Citizenship Docket, case number 822, the applicant herein made original application to this Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission to citizenship in the Choctaw Nation as a citizen by blood, and on December 4, 1896 the said James Franklin Standley was, by this Commission, admitted to citizenship in the Choctaw Nation as a citizen by blood, from which decision of the Commission no appeal was taken.

It further appears from the record herein that the applicant, James Franklin Standley, was a resident in good faith of the Indian Territory on June 28, 1898.

It is, therefore, the opinion of this Commission that James Franklin Standley should be enrolled as a citizen by blood of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

SIGNED C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
JAN 9 1904

W. E. Stanley
Commissioner.

COPY. 7-D- 825.

Muskogee, Indian Territory, January 9, 1904.

James Franklin Standley,

Sulphur, Indian Territory.

Dear Sir:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes rendered January 9, 1904, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of said time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.
Enc: 7--D-825.

COPY.

7-D-825.

Muskogee, Indian Territory, January 9, 1904.

Eugene E. White,

Attorney at Law,

Sulphur, Indian Territory.

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes rendered a decision, under date of January 9, 1904, granting the application of James Franklin Standley for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said James Franklin Standley as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Commission in Charge.

Registered.

7-D-826.

COPY.

Muskogee, Indian Territory, January 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission, rendered January 9, 1904, granting the application of James Franklin Standley for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said James Franklin Standley as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Commissioner in Charge.

Registered.
Encl: 7-D-826.

Muskogee, Indian Territory, February 12, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith, for Departmental consideration, the record in the matter of the application of James Franklin Standley for enrollment as a citizen by blood of the Choctaw Nation, together with the decision of the Commission of January 9, 1904, granting said application, and the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 25, 1904, which was filed with the Commission February 6, 1904, in which they request, under authority granted by Departmental communication of November 18, 1903, (I.T.D. 7122-1903) that final decision in this case be postponed until the action of the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al. versus the Choctaw and Chickasaw Nations.

Respectfully,

AB 5-12

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Choctaw 5712

Muskogee, Indian Territory, February 12, 1904.

James Franklin Standley,

Sulphur, Indian Territory,

Dear Sir:

You are hereby notified that on February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations, under authority granted by a communication of the Secretary of the Interior to the Commission, of November 18, 1903, filed a protest in which they request that final decision in your case be postponed until the action of the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al. versus the Choctaw and Chickasaw Nations, and the record in your case, together with the decision of the Commission granting your application for enrollment as a citizen by blood of the Choctaw Nation, and the protest of the attorneys for the Nations, above referred to, has been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

J.W.R.

C.J.R.

D.C.26270-1904. DEPARTMENT OF THE INTERIOR.

ITD 4958-1904. Washington, July 22, 1904.

L.R.S.

The Commission

to the Five Civilized Tribes.

Gentlemen:

February 12, 1904, your Commission transmitted the record involving the application of James Franklin Standley for enrollment as a citizen by blood of the Choctaw Nation, together with your decision dated January 9, 1904, granting said application.

The Acting Commissioner of Indian Affairs forwarding the papers in the case on June 16th last, recommends approval of your decision.

The Department also concurs and your decision is hereby affirmed.

A copy of the Acting Commissioner's communication is inclosed.

Respectfully,

(signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Refer in reply to the following:
Land.
19683/1904.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs,
Washington, June 16, 1904.

(C O P Y)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 18, 1904, I. T. D. 2236, I have the honor to enclose herewith the record relative to the application of James Franklin Standley, for enrollment as a citizen of the Choctaw Nation. January 9, 1904, the Commission held the applicant was entitled to enrollment as a citizen by blood of said nation.

January 25, 1904, the attorneys for the Choctaw and Chickasaw Nations requested that final decision be postponed in this case until the Choctaw-Chickasaw Citizenship Court had passed upon the case of Julia London, et al. The Citizenship Court has heretofore passed upon the rights of the applicants in the case mentioned, and in view of the action of the court in said case and considering Department telegram of the 7th instant to the Commission to the Five Civilized Tribes, copy of which was furnished this office with letter of June 10, 1904, I. T. D. 4618, there does not seem to be any reason why the transmission of this case to the Department for final consideration should be longer delayed.

The record in the case shows that on September 7, 1896, this applicant, in case entitled "Silvia Stanley vs the Choctaw Nation,"

applied to the Commission for admission to citizenship under the provisions of the Act of June 10, 1896; that on December 4, 1896, the Commission declared that the applicant was entitled to admission to citizenship in the Choctaw Nation as a citizen by blood, and that no appeal was taken from that decision. The record also shows that the applicant was a resident in good faith of the Indian Territory on June 28, 1898.

From the record it appears to the office that the decision of the Commission is correct and its approval is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-H

(C O P Y)

Choctaw 8712.

Muskogee, Indian Territory, August 1, 1904.

James Franklin Standley,

Coalgate, Indian Territory.

Dear Sir:

You are hereby advised that on July 22, 1904, the Secretary of the Interior affirmed the decision of the Commission of January 9, 1904, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

Your name will accordingly be placed upon the next schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

You are requested, however, to forward to this office, immediately, your statement showing degree of Choctaw blood possessed by you, as this information will be necessary in the matter of placing your name upon the schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chectaw 9713

Muskogee, Indian Territory, August 1, 1904.

Eugene E. White,
Attorney at Law,
Sulphur, Indian Territory,

Dear Sir:

You are hereby notified that on July 22, 1904, the Secretary of the Interior affirmed the decision of the Commission of January 9, 1904, granting the application of James Franklin Standley for enrollment as a citizen by blood of the Choctaw Nation. His name will accordingly be placed upon the next schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw 5712.

Muskogee, Indian Territory, August 1, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on July 22, 1904, the Secretary of the Interior affirmed the decision of the Commission of January 9, 1904, granting the application of James Franklin Standley for enrollment as a citizen by blood of the Choctaw Nation.

His name will accordingly be placed upon the next schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

For your information, there is enclosed herewith copy of Departmental letter, (I.T.D. 4958-1904).

Respectfully,

EA 6-1.

Commissioner in Charge.

Memo.-

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, August 22, 1905.

In the matter of the alleged application for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation.

Guy P. Cobb of Ardmore, Indian Territory, appearing as attorney for the applicant.

Ella Standley, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Ella Standley.
Q How old are you? A Twenty-five.
Q What is your postoffice address? A Red Oak.
Q Have you made application to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Choctaw Nation. A No, but my husband has.
Q You never made any yourself? A No sir.
Q What is the name of your husband? A James Franklin Standley.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir.
Q When were you married to him? A About 8 or 9 years ago.
Q Where did you live after you were married to him? A Four miles west of Eufaula.
Q What nation is that in? A Choctaw Nation.
Q Where did he live at that time? A He lived in the Choctaw Nation.
Q Are you a white woman? A Yes sir.
Q Are your parents living? A Mother is.
Q What is your mother's name? A Jane Ralph.
Q What is your father's name? A Isaac Ralph
Q Both white people? A Yes sir.
Q United States citizens? A Yes sir.
Q Had you ever been married to anyone else at the time of your marriage to James F. Standley? A No sir.
Q He was your first husband? A Yes sir.
Q Was he ever married before he married you? A No sir.
Q Who married you? A J. W. Freeman.
Q What was he? A A preacher.
Q Did you get a certificate of marriage at the time you were married? A Yes sir.
Q Have you the certificate with you A No sir.
Q You don't claim that you have ever made any application at all A No sir.
Q But you claim that your husband made one for you? A Yes sir.
Q When did your husband make that application for you? A In 1902 I think.
Q What part of 1902? A I don't know.
Q Well, was it spring or summer or fall? A It was in the winter I think.
Q In the winter of 1902? Where did he make it? A Ada.
Q Were you with him at that time? A No sir.
Then how did you know that he made it? A He came back and said that he did.
Q That is all you know, what he told you? A That's all I know

Examination by Mr. Cobb.
Q Why didn't you go to Ada with him to make application?
A I didn't have the money to go on at that time.
Q When he left he said that he was going to make application?
A Yes sir.
Q And came back and said that he had made it? A Yes sir.

Witness excused.

James F. Standley being first duly sworn testified as follows:
Examination by the Commissioner:
Q What is your name? A James Franklin Standley.
Q How old are you? A Twenty-seven.
Q What is your postoffice address? A Red Oak.
Q Are you acitizen by blood of the Choctaw Nation? A Yes sir.
Q On the final roll and taken your allotment? A Yes sir.
The witness is identified on Choctaw Field Card No. 5712 and as No. 15598 on the final roll of Choctaws by blood approved by the Secretary of the Interior September 22, 1904.
Q Are you the husband of Ella Standley, who has just testified? A Yes sir.
Q When were you married to her? A Well, sir, I don't know just exactly; about ten years ago I guess.
Q Where were you married? A We were married about four miles east of Eufaula in the Choctaw Nation.
Q At that time where was your home? A It was in the Choctaw Nation.
Q At that time was her home in the Choctaw Nation also?
A Well, yes, she lived there at that time.
Q Is she your first wife? A Yes sir.
Q From the time you married her until the present time where have you made your home? A Well, I have lived in the Choctaw Nation all the time.
Q You have lived with her as her husband continuously from the time you married her? A Yes sir.
Q There has never been any separation between you? A No sir.
Q Youc laim that you made application for her as an intermarried citizen? A Yes sir.
Q Where did you make that application? A Ada.
Q When? A It was November I think as near as I can recollect. It was when they were there.
Q November, what year? A 1902.
Q Who did you see at that time? Who did you appear before?
A I appearedbefore the Dawes Commission.
Q The Dawes Commission was in session there was it? A Yes sir.
Q Do you know the members of the Dawes Commission when you see them? A No, I don't think I do.
Q You don't know the name of the man before whom you appeared?
A I think I would know him if I saw him.
Q Do you know his name? A No sir.
Q What did you say with reference to your wife, if anything?
A I registered myself and then I told them I wanted to register my wife and he said that he couldn't register her and I asked him why. He asked me was I married under Choctaw law and I told him no, and he said then I couldn't register her.
Q That was as late as 1902 you were told that your wife couldn't be registered because you were not married under Choctaw law? A That's what he told me.
Q You couldn't say who it was that told you that? A No, I couldn't.
Q You had been married at that time some six or seven years? A Yes,--I don't know; about five years I guess.

Q You had been married 5 or 6 years at that time, hadn't you?
A Yes sir.
Q Had you made application for your own enrollment to the Dawes Commission before that time? A Yes, but I didn't appear before them myself; that was my first appearance, but my father had made application for me
Q You knew that your name was listed as an applicant for enrollment long before that?
Q How was it that you never made any mention of your wife until you appeared at Ada in 1902? A The one before that I didn't appear my own self.
Q You knew that you had a wife and that she was entitled some years before the same as in 1902? A Yes sir.
Q Why did you defer applying for her until 1902? A Well, I don't know. I didn't go before them until that last time.
Q And you state that you were told that she couldn't be enrolled because she had not been married under Choctaw law?
A They didn't tell me nothing only only they just said that they couldn't register her.
Q You stated a minute ago that they said that you couldn't register her because you had not been married under Choctaw law.
A I didn't say that they tld me it was because she was not married under Choctaw law.
Q Didn't you say that they asked you if you was married under Choctaw law and you told them that you was not, and they said, "Well, we can't register her? A But I was done with it when we was talking about her.
Q You state that you applied at Ada; state just what did take place? You told me that they wouldn't register your wife; tell me just what they did do? A While I was talking with them?
Q Well, what did you accomplish while you were at Ada in 1902?
A Well, I registered myself and my two little sisters, and after I had done registered myself I sat there and they got to asking whether I was married and was my wife a white woman or was I married under Choctaw law, and that's about all.
Q You say that after you got throgh registering yourself and your two little sisters this happened? A Yes, I was done. After I registered myself I went as far as the door and then came back to see if they had my sisters names down.
Q You had an attorney at that time? A Yes sir.
Q He knew that you were married, didn't he? A I don't know.
Q Did you tell him? A No, I didn't tell him.
Q Never said anything about it to your attorney? You didn't think it was worth while to talk to him about your wife's rights?
A No, he come from Sulphur up to Ada with me; he was doing some business for my brother-in-law, and he just said to him. "Here is the boy going up there; just see to him now" and he said all right.
Q He was looking after your case at that time? A Who?
Q Your attorney.
A I couldn't say that he was; he just went along with me.
Q Did you say anything to him about your wife? Did you mention your wife to him at all? A I don't recollect whether I said anything to him about it or not.
Q Who was present if anybody, and heard this conversation be-

tween you and the Commission about your registering your wife? A Why, there was a few back there behind me, but I don't recollect.
Q You say that your brother went up there with you at the same time? A No sir.
Q Who was it? A Brother-in-law; he did some business for my brother-in-law and he was going up there---
Q Were any of your relatives present at Ada at that time? A My sister was there; I don't know when.
Q Can you name anyone who was present and who heard you make this application, this alleged application?? A I can name several that were there but I don't know whether they heard the talk or not. I know when I came out I made these remarks.
Q Where did you have this conversation with the Commission? In a building or tent or where? A In a building.
Q Was anyone that you knew there in the room with you at the time you had this talk? A Yes sir.
Q Well, name some of the people? A Well, my sister was there, Ida Norman.
Q Did either of those two people hear you ask to have your wife enrolled? A I don't know whether they did or not. I don't know anything about whether hey heard or not. They were ju just by me there close.
Q

Examination by Mr. Cobb
Q Were you married in a church or in someone's house? A Married in my mother's house.
Q Who performed the ceremony? A John W. Freeman.
Q Who was present at the marriage if you remember? A All my wife's folks and my own and about 150 or 200 people.
Q Who procured your license for you? A T. F. Turner.
Q Who was T. F. Turner? Where does he live? A He was a merchant at Eufaula; he was a Notary Public at that time.
Q Have you ever gone by any other name than James Franklin Standley? A Yes, I was known where I was raised by Fuller; they all called me Fuller Standley, but my right name is James Franklin Standley.
Q Why didn't your wife go with you when you made application for her enrollment? A Well, I was told it was not necessary for her to go . I could do it myself; that is one reason I didn't take her.
Q Any other reason? A Yes, I didn't have the money to take her along to Ada.
Q This lawyer you speak of; did you hire him at all, or was he simply working for your brother-in-law. A He was working for my brother-in-law and he says, go on over there with him

---

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the fore going is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this August 26, 1905.

Edward Merrick
Notary Public.

COPY.

MARRIAGE LICENSE.

United States of America)
Indian Territory,)SS
Northern District.)

No. 416.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE-GREETING:

YOU ARE HEREBY COMMANDED to Solemnize the Rite and Publish the Banns of Matrimony between Mr. James F. Standley of Eufaula, in the Indian Territory, aged 19 years, and Miss Ella Ralph of Eufaula, in the Indian Territory, aged 15 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal this 10" day of Dec., A.D. 1896.

(Signed) Jas. A. Winston,
Clerk of the U.S. Court.

(Seal)

CERTIFICATE OF MARRIAGE

United States of America)
Indian Territory)SS
Northern District)

I, John W. Freeman, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 14 day of Dec., A.D. 1896 did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 14 day of Dec., A.D. 1896.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book B., Page 51.

(Signed) John W. Freeman
A Minister of the Gospel.

Filed and duly recorded, this 30 day of Dec. 1896.

(Signed) Jas. A. Winston,
Clerk of the United States Court

Book E at page 355

Memo.-135.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation.

It appears from the record herein that on August 22, 1905, Ella Standley appeared before the Commissioner to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

On said date said applicant testified that she had never personally made application for her enrollment as a citizen by intermarriage of the Choctaw Nation, but that in the winter of 1902 her husband appeared before the Commission to the Five Civilized Tribes at Ada, Indian Territory, and made application for her enrollment. The applicant further testified that she was not present when said application was made, but was informed by her husband, on his return from Ada, Indian Territory, that he had applied for her.

James F. Standley, husband of the applicant, testified that he was a citizen by blood of the Choctaw Nation; that in November, 1902, he appeared before the Dawes Commission at Ada, Indian Territory, and made application for the enrollment of his wife, the applicant, as a citizen by intermarriage of the Choctaw Nation; that on said appearance the representative of said Commission, on being informed that the witness had not been married to the applicant under Choctaw law, informed him that the application for the enrollment of his wife could not be received, and that on said appearance he also made application for the enrollment of his two minor sisters. The witness subsequently denies that he was informed by the representative of said Commission, that the application for the enrollment of his wife could not be received for the reason that she was not married to the witness under Choctaw law.

The records of the Commission to the Five Civilized Tribes show that on November 14, 1902, James Franklin Standley, husband of the applicant, appeared before said Commission at Ada, Indian Territory, being represented by his attorney, Eugene White, of Sulphur Springs, Indian Territory, and made original application for his enrollment as a citizen by blood of the Choctaw Nation. The testimony taken at said time fails to show that application was made for the enrollment of his wife, or any reference made to her, nor was any application made at said time for the enrollment of his sisters, though it appears that certain questions were propounded to him relative to the latter parties for the purpose of identifying the applicant, James Franklin Standley.

I am of the opinion that the evidence fails to establish that any application was made for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and that no authority exists for the receipt of any application for her enrollment at this time and I therefore decline to receive the same.

Commissioner.

Muskogee, Indian Territory,

JAN 22 1906

COPY.

Memo. 135.

Muskogee, Indian Territory, January 22, 1906.

Ella Standley,

Red Oak, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated January 22, 1906, declining to receive your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The order, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Registered. Commissioner.

Inc. Memo. 135.

COPY

Memo. 135.

Muskogee, Indian Territory, January 22, 1906.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated January 22, 1906, declining to receive the application for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation.

The order, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Registered.

Inc. Memo. 135.

Memo. 135. COPY.

Muskogee, Indian Territory, January 22, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, rendered January 22, 1906, declining to receive the application for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation.

The order, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Inc. Memo. 135. Commissioner.

COPY.

Muskogee, Indian Territory, January 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation, including the order of the Commissioner to the Five Civilized Tribes, dated January 22, 1906, declining to receive said application.

Respectfully,

SIGN

Tams Bixby

Commissioner.

2 Inc. Memo. 135.

Through the

Commissioner of Indian Affairs.

COPY

Muskogee, Indian Territory, June 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

January 22, 1906, the Commissioner to the Five Civilized Tribes rendered a decision declining to receive the application of Ella Standley for enrollment as an intermarried citizen of the Choctaw Nation and on the same day the record in this case was transmitted to the Secretary of the Interior.

I now have the honor to transmit herewith for consideration in connection with this case motion of Guy P. Cobb, attorney for applicant, for reopening and reconsideration of the case under Section 1 of the act of Congress approved April 26, 1906.

Respectfully,

EC

Kem 135.

Commissioner.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation.	MOTION TO RE-OPEN AND RE-CONSIDER

Comes now Ella Standley by her attorney Guy P. Cobb, and moves that the above entitled case be re-opened and the decision of the Commissioner be rec-considered, and that she be enrolled as an intermarried citizen of the Choctaw Nation under the provisions of Section one, of the Act of Congress approved April 26th.1906, upon the following grounds.

First, application for enrollment in this case was made prior to December 1st. 1905, and the records in charge of the Commissioner to the Five Civilized Tribes show application to have been so made, and the case under consideration is clearly within the general provisions of the Section above referred to.

Second, that the applicant was married in accordance with the laws and customs of the Choctaw Nation to a recognized citizen of said Nation, and that such marriage was equivilent to her name appearing upon the Tribal Rolls, that the application in this case was made prior to December 1st. 1905, and was not allowed solely because not made within the time prescribed by law, and that the case now under consideration comes within the final proviso of the section above referred to.

Guy P. Cobb,

Attorney for applicant.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 22196-1906. November 28, 1906.

D. C. 52800-1906

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On November 2, 1906 (Land 82213), the Indian Office transmitted the record in the matter of the application of Ella Standley for enrollment as a citizen by intermarriage of the Choctaw Nation, also a motion for reopening and reconsideration of this case filed on behalf of the applicant, in view of section 1 of the act of Congress approved April 26, 1906 (34 Stat., 137).

January 22, 1906, you rendered a decision declining to receive said application.

The Indian Office recommends that in view of the act above referred to the aforesaid motion be granted.

In view of said act, the record is returned for readjudication.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

4 inclosures.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
8289, 1906
52213, 1906.

November 2, 1906.

The Honorable
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 22, 1906, enclosing the record in the matter of the application of Ella Standley, applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, and a communication dated June 21, 1906, enclosing for consideration in connection with this case motion filed by Guy P. Cobb, attorney for the applicant, for the reopening and reconsideration of this case under Section 1 of the Act of Congress approved April 26, 1906. The motion was filed with the Commissioner June 10, 1906, and appears to be clearly within the provisions of this Act. The Office respectfully recommends that the motion be granted and the case reopened and reheard.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWB-McC.

Memo. 135.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation.

-----ooOoo-----

It appears from the record herein that on August 22, 1905, Elsie Standley appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

On January 22, 1906, the Commissioner to the Five Civilized Tribes rendered his decision therein, wherein it was held that the evidence failed to establish that any application was ever made for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and that no authority existed for the receipt of any application for her enrollment at said time, and, therefore, declined to receive the same.

The Department on November 28, 1906 (I.T.D. 22196-1906), in view of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), returned the record in said case for readjudication.

I am of the opinion that inasmuch as the record herein shows that application was made for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), the same should now be determined upon its merits, and that the decision of the Commissioner to the Five Civilized Tribes of January 22, 1906, should be rescinded, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

Dec 7- 1906.

Memo. 135.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was duly made for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the record herein that on December 14, 1895, the applicant, Ella Standley, was lawfully married to James Franklin Standley, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15598 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior September 22, 1904; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation; and that they lived together continuously as husband and wife in said nation from the date of their said marriage up to and including September 25, 1902.

I am, therefore, of the opinion that Ella Standley should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641); and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

1906

Memo. 138

Muskogee, Indian Territory, December 26, 1906.

Ella Standley,

Red Oak, Indian Territory.

Dear Madam :--

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 26, 1906, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Ella Standley will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Acting Commissioner.

Registered.

Inel. Memo. 138.

Memo. 138

Muskogee, Indian Territory, December 26, 1906.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir :--

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 26, 1906, rendered his decision granting the application for the enrollment of Rila Standley as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Rila Standley will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

D. Beall
Acting Commissioner.

Registered.

Memo. 135

Muskogee, Indian Territory, December 26, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen :--

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 26, 1906, granting the application for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Ella Standley will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Acting Commissioner.

Registered.

Incl. Memo 135.

COPY.

Muskogee, Indian Territory, December 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

January 22, 1906, the Commissioner to the Five Civilized Tribes rendered a decision declining to receive the application for the enrollment of Nila Standley as a citizen by intermarriage of the Choctaw Nation, and on the same date the record, together with said decision, was forwarded the Secretary of the Interior.

June 21, 1906, a motion for reopening and reconsideration of this case under Section One of the Act of Congress approved April 26, 1906, submitted by Guy P. Cobb, attorney for the applicant, was forwarded the Secretary of the Interior.

November 28, 1906, (I.T.D. 22196-1906), the record in this case was remanded for readjudication under the provisions of the Act of Congress approved April 26, 1906. December 17, 1906, an order was entered rescinding the decision of the Commissioner to the Five Civilized Tribes of January 22, 1906, and on December 26, 1906, a decision was rendered granting the application for the enrollment of Nila Standley as a citizen by intermarriage of the Choctaw Nation.

The applicant, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been notified of this

Secretary S.

action and have been advised that if no protest is filed to this decision within fifteen days from the date, the name of Ella Standley will be placed upon a schedule of citizens by intermarriage of the Choctaw Nation, to be prepared for forwarding the Secretary of the Interior.

Respectfully,

SIGNED Wm. O. Beall.
Acting Commissioner.

Through the
Commissioner of Indian Affairs.

Memo. 135.

Choctaw D 828

Muskogee, Indian Territory, January 16, 1904.

J. F. Standley,

Sulphur, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 10, asking if your enrollment has been approved.

In reply to your letter you are advised that on January 9, 1904, the Commission rendered its decision enrolling you as a citizen by blood of the Choctaw Nation, and on the same date you were notified thereof, and advised that the attorneys for the Choctaw and Chickasaw Nations had been allowed fifteen days to protest to the action of the Commission in granting your application. If at the expiration of that time no protest has been filed your name will be placed upon a schedule of citizens by blood of said nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Chairman.

Choctaw 5712

Muskogee, Indian Territory, February 17, 1904.

Roosnee & Brunson,

Attorneys at Law,

Coalgate, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of February 8, relative to the enrollment as a citizen of the Choctaw Nation of James Franklin Standley, in which you make reference to a letter of January 29, 1904, wherein he was advised that he was listed among the doubtful claimants to enrollment as a citizen of the Choctaw Nation and that his final right to such enrollment had not been determined, but that his sisters Ada A. Tilly, Ida Norman and Mabel and Inez Standley have been listed for enrollment as citizens of the Choctaw Nation and you ask an explanation of this matter.

In reply to your letter you are advised that on January 9, 1904, the Commission rendered its decision granting the application of James Franklin Standley as a citizen by blood of the Choctaw Nation and a copy of such decision was forwarded him by registered mail to Sulphur, Indian Territory, his last known post office address The same has been returned unclaimed and is again forwarded him today to Coalgate, Indian Territory in care of your firm.

F & B 2

You are informed, however, that on February 6, 1904, there was filed with the Commission the protest of the attorneys for the Choctaw and Chickasaw Nation, dated January 23, 1904, in which they request, under authority granted by the Secretary of the Interior [redacted] communication to the Commission of November 18, 1903, that final decision in this case be postponed until the action of the Choctaw-Chickasaw Citizenship Court in the case of Julia London, et al. and on February 12, 1904, the record in this case, together with the decision of the Commission and the protest of the attorneys for the Choctaw and Chickasaw Nation was forwarded to the Secretary of the Interior. Notice of the filing of the protest and the forwarding of the record in the case to the Secretary of the Interior was also forwarded Mr. Standley on the same date to Sulphur, Indian Territory.

Respectfully,

Commissioner in Charge

7-5112

Muskogee, Indian Territory, August 9, 1912.

James Franklin Standley,

Sulphur, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 5th inst., stating that you claim to be one-fourth-blood Choctaw.

You are advised that the information contained in your letter has been made a matter of record in the matter of your enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Mem 138

Muskogee, Indian Territory, June 21, 1906.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, 1906, inclosing motion for reopening of the application of Ella Standley for enrollment as an intermarried citizen of the Choctaw Nation and the same has this day been transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

Mem 135

Muskogee, Indian Territory, June 21, 1906.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, 1906, inclosing motion to reopen and reconsider an application for the enrollment of Cora Taylor as an intermarried citizen of the Choctaw Nation and the same has this day been transmitted to the Secretary of the Interior for consideration in this case.

Respectfully,

Commissioner.

CJW

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 22196-1906. November 28, 1906.

D. C. 52899-1906

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On November 2, 1906 (Land 52213), the Indian Office transmitted the record in the matter of the application of Nila Standley for enrollment as a citizen by intermarriage of the Choctaw Nation, also a motion for reopening and reconsideration of this case filed on behalf of the applicant, in view of section 1 of the act of Congress approved April 26, 1906 (34 Stat., 137).

January 22, 1906, you rendered a decision declining to receive said application.

The Indian Office recommends that in view of the act above referred to the aforesaid motion be granted.

In view of said act, the record is returned for readjudication.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

4 inclosures.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS?
WASHINGTON.

Land
8289, 1906
52213, 1906.

November 2, 1906.

The Honorabl e,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 22, 1906, enclosing the record in the matter of the application of Ella Standley, applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, and a communication dated June 21, 1906, enclosing for consideration in connection with this case motion filed by Guy P. Cobb, attorney for the applicant, for the reopening and reconsideration of this case under Section 1 of the Act of Congress approved April 26, 1906, The motion was filed with the Commissioner June 10, 1906, and appears to be clearly within the provisions of this Act. The Office respectfully recommends that the motion be granted and the case reopened and reheard.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWB-McC.

SPECIAL 1 E Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D. C. 10655-1907.
I.T.D. 3934-1907.

February 19, 1907.

L. RS.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 28, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Ella Standley as a citizen by intermarriage of the Cherokee Nation, including your decision dated December 26, 1906, granting said application.

Reporting February 16, 1907 (Land 11666-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent ot the Indian Office.

Respectfully,
Thos Ryan
First Assistant Secretary.

1 inc. and 2 to Ind. Of.
A F Mc
2-20-07.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

D. C. -10655-1906. WASHINGTON.

Land

113588-1906.

February 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated December 28, 1906, transmitting the record relative to the application of Ella Standley for enrollment as an intermarried citizen of the Choctaw Nation.

It appears that on January 22, 1906, the Commissioner to the Five Civilized Tribes rendered a decision declining to receive the application; that on November 23, 1906, I.T.D. 11150, the record in the case was remanded to the Commissioner to the Five Civilized Tribes for readjudication under the provisions of the Act of April 26, 1906 (34 Stat. L., 137), and that on December 17, 1906, an order was entered by the Commissioner rescinding his decision of January 22, 1906, and on December 28, 1906, he rendered a decision granting the application of Ella Standley for enrollment as a citizen by intermarriage of the Choctaw Nation.

It further appears that the applicant was married on December 14, 1896, to James Franklin Standley, a recognized and enrolled citizen of the Choctaw Nation, whose name appears at 15598 on the final roll of citizens by blood; that at the

time of the marriage both parties were residents in good faith of the Choctaw Nation; and that they continuously lived together as husband and wife up to and including September 25, 1902.

Under the provisions of the Acts of June 28, 1898 (30 Stat. L., 495), and July 1, 1902 (32 Stat. L. 641), the applicant is entitled to enrollment, and the approval of the Commissioner's favorable decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

7
7-6660 7-8196
7-6674 7-1611
7-6712 7-6726
7-6551 7-441
7-6654

Muskogee, Indian Territory, February 22, 1907.

Guy F. Cobb,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 14, 1907, asking if the names of Hattie Boyceton, Daisy Keseley, Alla Standley, Aggie Cobb, Delia Mommy, Ruthie Jones, Elsie J. Oakes, Clara S. Campbell and James S. Mathews have been placed upon a schedule of citizens of the Choctaw Nation to be forwarded to the Secretary of the Interior.

In reply to your letter you are advised that on February 12, 1907, the Secretary of the Interior approved the enrollment of Hattie Boyceton, Daisy Keseley, Alla Standley, Delia Adams, Elsie J. Oakes and Clara S. Campbell as citizens by intermarriage of the Choctaw Nation.

You are further advised that the names of Agnes Cobb and Ruthie Jones have been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which has been forwarded to the Secretary of the Interior, and you will be notified when their enrollment is approved by him.

G. P. C. #2

G. P. C. You are further informed that on April 23, 1906, the Commissioner to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of James S. Mathews as an intermarried citizen of the Choctaw Nation and on the same date the record in this case was forwarded to the Department, where it is still pending.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Card No. 5712

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1907.

Ella Standley,

Redoak, Indian Territory.

Dear Madam:-

You are hereby advised that on February 12, 1907, the Secretary of the Interior approved your enrollment as a citizen by intermarriage of the Choctaw Nation, and your name appears upon the final roll of such citizens opposite No. 1612.

You are entitled to an allotment and application therefor should be made without delay at the Land Office for the Nation in which the pospective allotment is located.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 22196-1906. November 28, 1906.

D. C. 52890-1906

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On November 2, 1906 (Land 52213), the Indian Office transmitted the record in the matter of the application of Ella Standley for enrollment as a citizen by intermarriage of the Choctaw Nation, also a motion for reopening and reconsideration of this case filed on behalf of the applicant, in view of section 1 of the act of Congress approved April 26, 1906 (34 Stat., 137).

January 22, 1906, you rendered a decision declining to receive said application.

The Indian Office recommends that in view of the act above referred to the aforesaid motion be granted.

In view of said act, the record is returned for readjudication.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

4 inclosures.

C O P Y

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS?
WASHINGTON.

Land
8289, 1906
82213, 1906.

November 2, 1906.

The Honorable
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 22, 1906, enclosing the record in the matter of the application of Nila Standley, applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, and a communication dated June 21, 1906, enclosing for consideration in connection with this case motion filed by Guy P. Cobb, attorney for the applicant, for the reopening and reconsideration of this case under Section 1 of the Act of Congress approved April 26, 1906, The motion was filed with the Commissioner June 10, 1906, and appears to be clearly within the provisions of this Act. The Office respectfully recommends that the motion be granted and the case reopened and reheard.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWB-McC.

SPECIAL. X P Mr.

DEPARTMENT OF THE INTERIOR, 2AB

WASHINGTON.

D. C. 10666-1907.
I.T.D. 2934-1907. February 19, 1907.

L. RS.

Pirtle.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 28, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Ella Standley as a citizen by intermarriage of the Choctaw Nation, including your decision dated December 26, 1906, granting said application.

Reporting February 16, 1907 (Land 113068-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,
Thos Ryan
First Assistant Secretary.

1 inc. and 2 to Ind. Off.
A P Mc
2-20-07.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

D. C. -10658-1906. WASHINGTON.

Land

113688-1906.

February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated December 28, 1906, transmitting the record relative to the application of Ella Standley for enrollment as an intermarried citizen of the Choctaw Nation.

It appears that on January 22, 1906, the Commissioner to the Five Civilized Tribes rendered a decision declining to receive the application; that on November 28, 1906, I.T.D. 22196, the record in the case was remanded to the Commissioner to the Five Civilized Tribes for readjudication under the provisions of the Act of April 26, 1906 (34 Stat. L., 137), and that on December 17, 1906, an order was entered by the Commissioner rescinding his decision of January 22, 1906, and on December 26, 1906, he rendered a decision granting the application of Ella Standley for enrollment as a citizen by intermarriage of the Choctaw Nation.

It further appears that the applicant was married on December 14, 1896, to James Franklin Standley, a recognized and enrolled citizen of the Choctaw Nation, whose name appears at 15598 on the final roll of citizens by blood; that at the

time of the marriage both parties were residents in good faith of the Choctaw Nation; and that they continuously lived together as husband and wife up to and including September 26, 1902.

Under the provisions of the Acts of June 28, 1898 (30 Stat. L., 495), and July 1, 1902 (32 Stat. L. 641), the applicant is entitled to enrollment, and the approval of the Commissioner's favorable decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

Choc 5713 Ephraim Foster

Granted 4-25-06

5713

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., August 23, 1905.

MEMORANDUM -o§!+••••••+!§o-

In the matter of the alleged application for the enrollment of ElizaJane Foster as a citizen by intermarriage of the Choctaw Nation.

Guy P. Cobb, Attorney.

Eliza Jane Foster being first duly sworn, testified as follows:

By the Commissioner:

Q What is your name? A My name?
Q Yes? A Eliza Jane Foster.
Q Your age? A Forty-four .
Q Post office address? A Newcastle. I was at Norman at the time though that that was wrote. We was living at Norman.
Q But your present post office address is Newcastle? A Yes sir, in the Territory.
Q Did you ever make application to the Commission to the Five Civilized Tribes for enrollment as a citizen by intermarriage of the Choctaw Nation? A None but that, except my step son was to attend to it. He promised his father - you see his father is old; he is seventy-eight his next bir thday - and his son was going to enroll his wife and told his father he would enroll me at the same time.
Q What is the name of the step son? A B. A. Foster, named after his father.
Q When was it that he said he would make application for you?
A If I don't disremember it was in '92.
Q Where was it that he made that application? A At Tishomingo.
Q Was the Dawes Commission in session at Tishomingo at that time?
A Yes sir, time they was there. Now, I don't just remember when it was there, but that's when he went down, when they were at Tishomingo.
Q Do you know of your own knowledge if he made an application for you? A No sir.
Q What did he tell you? A He told his father he couldn't do nothing.
Q Was anything else ever done in the way of applying for your enrollment that you know of? A No sir, only that letter there.
Q What letter have you reference to? A That one that Mr. Cobb handed you a while ago - letter that Ephraim Foster wrote to the Commission.

Q Your husband, Ephraim Foster, once wrote to the Commission relative to your enrollment? A Yes sir, and that's the answer to it.
Q When was it that your husband wrote that letter? A September 10, 1902.
Q Did you see that letter that he wrote? A Yes sir.
Q Remember what it stated? A No sir, only just wrote what must do - asked advice from them. I didn't read the letter. I seen the letter but I didn't read it.
Q Now did your husband receive a reply to the letter that he wrote to the Commission? A Yes sir.
Q This letter which you have shown me is the reply to the letter of his? A Yes sir .

Applicant offers in evidence letter from the Commission to the Five Civilized Tribes, bearing date S eptember 13, 1902, addressed to Ephraim Foster, Norman, Oklahoma, acknowledging receipt f his letter of September 10, 1902, relative to the enrollment of his wife as an intermarried citizen of the Choctaw Nation. Said letter is attached hereto and marked exhibit "E".

Q Now, beyond writing this letter in September , 1902, and this appearance which you say your stepson made on your behalf at Tishomingo, was anything else done in the way of applying for your enrollment? A Not that I know of.
Q What is the name of the Indian husband thrugh whom you claim?
A Ephraim Foster.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir .

Ephr aim Foster, husband of the applicant, is identified on Choctaw field card No. 5713, and as 15075 on the final roll of Choctaws by blood approved by the Secretar y of the Interior March 26, 1904.

Q When were you married to Ephraim Foster? A Thirty-first day of January, 1900.
Q At the time of your marriage to him where were you living?
A In the Territory, Chickasaw Nation.
Q Where was he living at that time? A He was living there.
Q Had you ever been married prior to your marriage to him?
A Yes sir .
Q How many times had youmbeen married? A I had been married once.
Q What was your first husband's name? A Martin.
Q Was he living or dead at the time you married Foster?
A He was dead.
Q Had Ephraim Foster ever been married before his marriage to you?
A Yes sir .
Q How many times? A Once.
Q What was the name of his former wife? A Mandy - her maiden name was - -I will tell you in a minute - - I never seen her - - Mandy Prince.
Q Was she living or dead at the time Foster married you?
A She was dead.

Q From the time you were married to Ephr aim Foster until September 25, 1902, where did you make your home? A Befor e I was married to him?
Q From the time you were married to him un til September 25, 1902? A We lived in the Territory.
Q Well, in what Nation? A Chickasaw.
Q This letter which you have introduced in evidence is addressed to EphraimFoster at Norman, Oklahoma? A Yes sir, we was staying over there sending the children to s chool; we had some orphan children sending them to school, but our home was in the Chickasaw Nation - - our farm.
Q You lived at Norman at the time? A Yes sir .
Q Hw long had you lived in Oklahoma? A Little over a year. We live now in the Chickasaw Nation; moved back on our farm.
Q At the time you married you were living in the Chickasaw N a-tion? A Yes sir .
Q How long did you continue to live there? A About thr ee years I reckon before we moved over to Norman.
Q Well, you were married in January, 1900, and in Septem ber,1902, you were living in Oklahoma were you not? A 1902?
Q Yes mam? A Yes sir, we wa s living over there in Nor man.
Q How long had you been living in Norman at the time th is letter was written? A We hadn't been living there but a little over a month.
Q How long did you continue to live there? A We lived ther e - I think it wa s twelve mont hs we lived in Oklahoma .
Q And you returned to the Chickasaw Na tion in the fall of 1903?
A Yes sir.
Q During the time you lived in Oklahoma did yu have any proper ty interests or any other interests in the Indian Territory?
A Yes sir, our farm was in the Territory; we owned a farm there.
Q What did you do with it while you were in Oklahoma?
A Rented it out.
Q Is Ephraim Foster living? A Yes sir .
Q Are you and he still living together a s husband and wife?
A Yes sir .
Q Never has been any separation betwee n you? A No sir.
Q You are a white woman? A Yes sir.
Q Are your parents living? A No sir.
Q What was their names? A Stuart.
Q What was your father 's name? A Hosea Stuart.
Q And your mother's name? A Her maiden name was Moore - Sophia Samantha .
Q Both white people? A Yes sir.
Q United States citizens ? A Yes sir.

Applicant offers in evidence cer tificate of marriage between Ephrum Foster and Mrs. Eliza Martin, showing that the applicant was married to Ephrum Foster on January 31, 1900, at Oklahoma City, Terr i-tory of Oklahoma; said certificate is attached hereto and marked exhibit "C".

Q How does it come, Mrs. Foster, that you were married in Oklahoma if your home was in the Chickasaw Nation at the time of your marriage? A My husband just carried me over thre and

married me. That's all I can tal you.
Q You were not living in Oklahoma at that time? A No sir, Chickasaw; not very far fr om where NEWCASTLE is.

By Mr. Cobb:

Q Mrs. Foster how long have you lived in the Terr itory all together? A I haved lived in the Indian Territory ever since I was about twenty-one years old and now I am forty-four, and I have been all over the Choctaw Nation and all over the Chickasaw Nation and part of the Cherokee.
Q At the time you were staying in Norman, Oklahoma ,you still kept your home in the Nation did you not? A Yes sir.
Q How far was that from Norman? A Sixteen miles west of Purcell our farm wa s.
Q Then at all times your home has been in the Territory?
A Yes sir.
Q And you wee simply in Norman for the purpose of letting you r children goto S chool? A Yes sir, some little orphan children that we were raising. There was no school where we were living.
Q Mrs. Foster the letter you received from the Commission stat es that you should appear in person as soon as possible to make formal application. I wish you would explain to the Commission why you did not appear when you received that letter?
A I was in bed sick at the tme we got that letter.
Q How long were you confined to yourbed ? A I was confined to it eight weeks.
Q How long were you confined to the house? How long before you were able to travel? A Eleven months.
Q And why didn't you come when you were able to travel?
A Why, I told you my stepson promised to attend to it for me. My husband is old.A nd my stepson told his Pa he would "put h er on when I put my wife on", and he told his Pa when he came back that he couldn't do anything about it.

By the Commissioner:

Q I will show you a letter bearing date September 10,1902, addressed to the Dawes Commiss ion fr om Norman, Oklahoma, and signed Ephraim Foster; is that the letter which you have testified your husband addressed to this Commission? You say you saw that letter before it was mailed didn't you?
A Yes sir, that's it; I know the handwriting. I never read t he letter but I seen him writing it.
Q You identify this as being the signature of yur husband Ephraim Foster? A Yes sir.

Copy of the letter above sfered to is attached hereto and marked exhibit "A ".

(5)

Albert C. McMillan being first duly sworn sta tes that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of August, 19 05, and that the above and foregoing is a tr ue and correct transcript of his stenograph ic notes thereof .

Albert C. McMillan

Subscribed and sworn to before me t his 2 4th day of August, 1905.

Edward C. Merrick.

Notary Public.

Memo. 130.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---ooo---

In the matter of the alleged application for the enrollment of Eliza Jane Foster as a citizen by intermarriage of the Choctaw Nation.

---ooo---ooo---

It appears from the record herein that on August 23, 1905, Eliza Jane Foster appeared before the Commissioner to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation, within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Said applicant testified that she had never made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation, but that on September 10, 1902, her husband, Ephraim Foster, addressed a letter to the Commission to the Five Civilized Tribes, asking what steps would be necessary for him to take in order that the applicant be enrolled as such citizen. The applicant further testified that it was her understanding that her step-son, E. A. Foster, made application for her enrollment at Tishomingo, in 1892 (presumably meaning 1902), but of this she has no personal knowledge.

It appears from the record herein, and from the records in the possession of this office, that on September 12, 1902, the Commission to the Five Civilized Tribes received a letter from Ephraim Foster, making inquiry relative to the enrollment of the applicant, as above set forth, and that on September 13, 1902 said Commission, in reply to said letter, informed said Ephraim Foster that if he desired to make application for the enrollment of his wife as a citizen by intermarriage of the Choctaw Nation, the same would be received upon her personal appearance at the office of said Commission, at Muskogee, Indian Territory.

I am of the opinion that the letter of Ephraim Foster, addressed to the Commission to the Five Civilized Tribes, and dated September 10, 1902, should be treated as a sufficient application for the enrollment of Eliza Jane Foster as a citizen by intermarriage of the Choctaw Nation, made within the time limited by the provisions of said Act of Congress approved July 1, 1902 (32 Stats., 641), and that the same should now be determined on its merits, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 11 1906

7-5713.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-------ooOoo-------

In the matter of the application for the enrollment of Eliza Jane Foster as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was duly made to the Commission to the Five Civilized for the enrollment of Eliza Jane Foster as a citizen by intermarriage of the Choctaw Nation, within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

It further appears from the record herein that on January 31, 1900, the applicant, Eliza Jane Foster, was lawfully married to Ephraim Foster, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 15075 upon the list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior March 26, 1904; that at the time of the said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously as husband and wife in said Nation, up to and including September 25, 1902.

I am, therefore, of the opinion that Eliza Jane Foster should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

APR 25 1906.

The State of Texas, County of Montague.
Oct. 1st. 1898.

I hereby certify that I know Joste Maines who married the widow Jane Hill, the mother of Nannie Williams and John H. Hill and also Josire Maines and Jane Hill the wife of Josire Maines and one son by the name of Tobis C. Maines. I was personally acquainted with Josire Maines and his wife during their life time. I am now personally acquainted with Nannie Williams and John Hill and know them to be the children of Jane Hill.

(signed.) C.W.Campbell.

Sworn and to and subscribed before me this Oct. 1st. 1898.

(Seal)

S.P.Strong, Clerk Montague
County Texas.

THIS IS TO CERTIFY that the above and foregoing is a full true and correct copy of the original papers now on file in the office of the National Secretary, at Tushkahoma, I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand this & and the Seal of the Choctaw Nation, done at Tushkahoma, I.T. this the 10th. day of October, 1898.

Soloman J. Homer

National Secretary,
Choctaw Nation.

1 Wm F. Foster
2 John Abram Foster
3 W. A. Paul.
4 Wade Mardis
5 Belle Paul married Court ~~Ward~~ & Lydia Paul have married but names of husbands not known by Pastor here. Will write letter giving names &c.
6 ~~W. F. Williams~~ - ~~Nobbe Williams~~ W. F. Wilbains
7 J. F. Thorne.
8 Lula Foster
9 Samuel Foster
10 Wm F. Foster Jnr
11 ~~Eph~~ Ephraim " Foster
12 Edna Foster - Married Jack Reynolds.
13 Ida Foster - Married Rob Park.
14 E. A. Foster
15 James Campbell.
16 J. L. Campbell
17 C. R. Campbell
18 T. A. Campbell
19 Mollie Campbell married Dr D. Bedingfield
20 Wm Jones.
21 J. E. White
22 Ephraim F. Campbell.
23 Ella Campbell Married Doc Huggins
24 Rubin Paddock

25 Nancy Paddock Married Jack Mathis.

26 James Paddock

27 Wm H. Paddock

28 Joseph Kirkendall

29 Mary Ellen Kirkendall Married J. J. Jones.

30 Rhoda M. Kirkendall - Married Paul Edgar.

Ex A

Norman O. Ty. Sept 10, 1902.

Hon. Dawes Commission,

Muskogee, I. Ty.

Dear Sirs:

I wish to ask you in regard to enrolling my wife as an intermarried citizen of the Choctaw Nation. As I am a bona fide citizen and recognized and on the Roll I wish you advise me what steps I will have to take to get my wife on the intermarried Rolls?

I have married my wife a white woman according to the law of Kansas and have the certificate and license from that state.

Very respectfully,

Ephraim Foster.

Endorsed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED SEP 12 1902.

Foster, Ephriam

Norman O. T.

Sep 10 1902

Wants to enroll his wife as a Choctaw.

Certificate of Marriage.

6v "C"

To the Probate Judge of Oklahoma County, Territory of Oklahoma.

THIS CERTIFIES. That on the 31st day of January A. D. 1900 at Oklahoma City in said County, according to law and by authority, I duly joined in marriage Mr. Sherman Foster and Mrs. Eliza Martin, and there were present as witnesses J. M. Campbell and M. M. Drew

Given under my hand the 31st day of January 1900

Wm. Jones.
Probate Judge

Witnesses sign here:

J. M. Campbell
M. M. Drew Clk.

Groom

Bride sign maiden name

Bride.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Choctaw D 93

"B"

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 13, 1902.

Ephriam Foster,

Norman, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you desire to be advised of the necessary steps to be taken in order to have your wife enrolled as a citizen by intermarriage of the Choctaw Nation.

Replying to your communication you are informed that it appears from our records that you are an applicant before this Commission for enrollment as a citizen by blood of the Choctaw Nation but it does not appear that at the time of the submission of such application you applied for the enrollment of your wife.

You do not state in your communication of the 10th instant, the name of your wife and we are therefore unable at this time to advise you whether she has submitted an application for enrollment as a citizen by intermarriage of the Choctaw Nation.

If your wife is desirous of submitting her application for enrollment as a citizen by intermarriage of the Choctaw Nation she will be heard upon her personal appearance at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory.

E F 2

The pending Choctaw-Chickasaw supplemental agreement provides that the Commission shall not receive applications for enrollment after the date of the ratification of such agreement.

The same is not effective at this time being subject to ratification by the citizens of the two tribes at a special election to be held September 25, 1902.

It would be advisable therefore that your wife submit her application prior to that date.

Yours truly,

Acting Chairman.

7-5713

Muskogee, Indian Territory, January 17, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

For your information there is inclosed herewith card showing name and information placed at number 2 on Choctaw card 5713, Ephraim Foster.

You are therefore directed to make duplicate Choctaw card in your possession conform to this information and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Commissioner.

EB 11-17.

7-5713.

COPY.

Muskogee, Indian Territory, April 25, 1906.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

You are hereby notified that the Commissioner to the Five Civilized Tribes, on April 25, 1906, rendered his decision granting the application for the enrollment of Eliza Jane Foster as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the enrollment of above named applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

7-5713.

COPY

Muskogee, Indian Territory, April 25, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 25, 1906, granting the application for the enrollment of Eliza Jane Foster as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-5713.

7-5713

Muskogee, Indian Territory, January 17, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

For your information there is inclosed herewith card showing name and information placed at number 2 on Choctaw card 5713 Ephraim Foster.

You are therefore directed to make duplicate Choctaw card in your possession conform to this information and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Commissioner.

EB 12-17.

7-8713.

COPY

Muskogee, Indian Territory, April 26, 1906.

Eliza Jane Foster,

Newcastle, I. T.

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 26, 1906, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, your name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-8713.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:o:-----

In the matter of the application of Ephram Foster; D. F. Campbell, et al, for enrollment as citizens of the Choctaw Nation.

-----:o:-----

Messrs. J. S. Stanley and C. L. Herbert, Attorneys for applicants.

-----:o:-----

Ardmore, Indian Territory, November 21st, A. D., 1898.

-----:o:-----

(By Mr. Stanley) This case might be a long drawn out one and it may be a very short one. I am unfamiliar with the rules of procedure with the Commission, and I do not know whether you want to go back and try these cases de novo, go back to the origin of them or whether you want to begin at some intermediate stage of them. I want to be candid with the Commission in the first instance and say to you that in 1880 an act was passed by the Choctaw Council admitting these people to citizenship in the Choctaw Nation. Latterly, at the recent session of the Council, as I understand,- it is mere report, I do not know whether it is true or not,- the Choctaw Council went to work and repealed a lot of cases; and I have information that I cannot rely on,- it is not official,- that this case was one of the cases. Whether it is true or not I do not know. I want the Commission to know all the facts in the case, and before I go on with the case, in this case, if it be official, if it is true, I want to know what figure it cuts in the case.

(By Mr. Simon Lewis, Choctaw Com'r.) I suppose you allude to the Campbell case? There was a bill drafted and passed Council all right, but whether the Governer ever approved it or not I do not know, and I would ask that this case go over a short time and we will know at that time. Of course, as to the other cases, whether the Commission will interfere with the acts of our Council is with the Commission. I do not know whether the Governor ever approved the final act or not. All the evidence we propose to introduce will be taken at Oak Lodge,-- Robert Ward and Mrs. Minehart. Mrs. Minehart is dead, but she has got a sister about two years younger that will give the same testimony that Mrs. Minehart would, and they are the witnesses that we expect to produce, and I would ask that this case go over until we get to Oak Lodge next spring.

(By Mr. Stanley) The question arises, what is the result of the action of the Council? Suppose they took it for reasons of fraud, had corrupt means been used to secure the passage of the act in the first instance, untrue testimony or anything of that kind? If the Council took testimony there at its late session, and proved that the testimony taken in 1888 was untrue or proved that there was some corrupt means used to obtain the action of that Council, it seems to me it might have a good case, but in the absence of proof of fraud, the question arises, has the Choctaw Council the authority to do it? If the Choctaw Council goes to work in one case without sitting up fraud in the case and repeal a case of citizenship, where it has been established they are citizens by blood

where is it going to stop; who is the next fellow whose head is going to fall off, is anybody secure? These are very serious questions. Is that the act of the Council, Tell?

(By Mr. A. Tell, Choctaw Commissioner) Yes sir, the instructions.

(By Commissioner T. B. Needles) It is conceded they were admitted?

(By Mr. Lewis, Choctaw Com'r.) Yes sir, they were admitted.

(By Mr. Stanley) I have a certified copy of the act of the Council, and I have a certified copy of the testimony upon which that action was based.

(By Mr. Lewis) We claim that we can repeal any act that we pass. When we make a man a citizen we can undo it if we think we done wrong in doing it. R. J. Ward is one of our Commissioners. His mother is supposed to have been a witness in this case, at any rate they have got a lot of testimony there that Mrs. Ward is supposed to have given, and she denies that she e ver gave any such testimony, and she says that Mrs. Minehart never gave any such testimony. But she has got a sister, Mrs. Hiauppa is only two years younger than Mrs. Minehart and knows the family just as well as her sister, and Robert Ward knows these folks and talked to his mother about it, and his mother said she and Mrs. Minehart were down there to act as witnesses, and when they got down there they knew nothing about the family, and she says they didn't give any evidence in it, but they claim they have something that they purport to be an affidavit from both parties. Mrs. Minehart and Mrs. Hiauppa both live at Oak Lodge, and that is the reason I ask the Commission to hold the thing up until we get there.

(By Mr. Bixby) What is the objection to taking such evidence as Mr. Stanley has ready at this time?

(By Mr. Lewis) None in the world.

(By Mr. A. S. McKennon,Com'r.) And then take the evidence of the Nation.

(By Mr. Lewis) Yes sir. All I ask is that the Commission not take any action until they hear our side of the case.

(By Mr. Stanley) I want to state to the Commission that I was employed by the Commission to present their case to the Council. I presented it; I got up the facts, and was present in the committee room when the testimony was taken, and Mrs. Ward testified, and she testified before a committee appointed for the purpose; she testified before persons who understand her language,- she spoke in Choctaw,- her language was interpreted, it was read to her and interpreted back into the Choctaw, and read to her again, and Mrs. Ward signed it. Now it won't do for this Commission to be confronted now with a mere statement, hearsay, that somebody says that Mrs. Ward said so and so. We don't care to confront Mrs. Ward in this case. We know what Mrs. Ward is going to testify to; we know what she will have to testify to; we know what Mrs. Minehart will testify to. If the Commission please, even admitting and sitting aside Mrs. Ward's testimony, the case is proven up; that Mrs. Ward lived there with these people and knew all of her own personal knowledge in reference to these people, and she so testified in my presence at the Council and in the presence of a committee, the members of which all understood both languages.

(By Mr. Lewis) If it please the Commission, I think Captain Stanley has got off wrong on that, because if Mrs. Ward made any such statement she admits now that she did not know a thing about the case. This Foster family, I am tolerable well acquainted with them myself. She had a brother named Jack -- Jake and William, three brothers. They don't claim to be decendants from either one of these boys, and Mrs. Miauppa is only two years younger than Mrs. Minehart, and would certainly know as much as her sister would.

(By Commissioner Needles) Has the Council repealed this act?

(By Mr. Lewis) I don't know.

(By Commissioner Needles) I mean repealed the act making them citizens?

(By Mr. Lewis) I couldn't say for certain, but the bill was made and passed the Council, but whether the Governor approved it or not I don't know.

(By Commissioner Needles) That would be important in this case.

(By Mr. Lewis) That is what I say. Let it go over and we will see about it. That act was repealed by the council, but wheth er the Governor approved that matter or not is pending. The whole thing is rather premature, because if President McKinley has not approved the Governor's action these folks are with us without any remedy.

(By Commissioner McKennon) Have you any witnesses present who want to testify?

(By Mr. Stanley) No sir.

(By Mr. Lewis) With Captain's (Stanley) we will let this go

until we meet at South McAlester.

(By Mr. Stanley) I do not consent to its going over. What I mean to state is that we are willing for the testimony of Mrs. Ward to be taken before this Commission. If this Commission determines that it is necessary to take Mrs. Ward's testimony, and we are willing that it shall be taken in the presence of this Commission.

(By Mr. Lewis) We are willing to do that; we have no objection to giving every man a fair show.

(By Mr. Lewis) Mrs. Hiauppa, who is an own sister to Mrs. Minehart, and only two years younger - - - - -

(By Commissioner Bixby) We understand that.

(By Mr. Herbert) Captain Stanley has correctly stated that in 1888, by act of Choctaw Council, these people were admitted to citizenship. Now that is a question in dispute. It seems that it has been suggested that the Choctaw Council met at a recent session by an act, or supposed to be by an act, then passed has cancelled the former act of 1888. I submit as a question of law that the action of the Choctaw Council in this matter is not a matter properly to be considered by this Commission. Why? Because under the act of Congress that prescribed the duties of this Commission as to whether these people were fraudulently or illegally enrolled or not, is a question solely within the jurisdiction of this Commission. There is no act of Congress, there is no law in force that must be recognized by this Commission other than this act of Congress, under the terms of which this Commission must be obse-

lutely governed in its judicial decisions, and there is no power beneath the Sun to-day that can inquire into acts of fraud charged against applicants other than the Commission known as the "Dawes Commission". Then why defer the action of this Commission, when it is within the province of this Commission only to inquire into questions of fraud? I will call your attention to the act of Congress. After stating in the Curtis Bill how the Cherokee citizens shall be established and prescribing the duties of this Commission, the act states:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

Now, gentlemen, we will suppose for a moment that the Chickasaw Council or the Choctaw Council should decide among themselves that no man except a representative in the House or Senate is an Indian and the citizenship of all others, by an act, should be cancelled? If it be true that the Choctaw Council can say that the citizenship that was conferred by legislation, which carry with it a vested right to the citizen, can now be repealed and cancelled, when the question can only be passed upon by the Dawes Commission, it placed within the powers of the Choctaw Council to cancel the citizenship of every man, whether he be a citizen by blood or what not.

It is asked that this case be postponed. I represent the minority in this case and Captain Stanley represents the others. I submit another question of law to the Commission, that the

motives of the Legislature, as stated by Mr. Cooley, can never be inquired into. It is one of these acts you are authorized to do in this Curtis Bill, that this Commission, when it is convinced that a man has been enrolled by a Choctaw or Chickasaw or directly, only can inquire into that, and not the Choctaw or Chickasaw Council. Admit, for argument's sake, that the bill is passed, what effect would it have upon this Commission? If they can vest citizenship one day and divest it the next, or if they can consider the entire tribe as citizens, and the few who are in the Legislature, they can legislate this family out. Captain Stanley himself was recognized by the act of the Council, and they could tomorrow eliminate Captain Stanley, and every other prominent Choctaw citizen without notice to them and even without the question of fraud. I say the question of fraud can only be submitted to the Dawes Commission as a judiciary, as a Commission authorized to judicially pass upon, and that the Choctaw Council could in no way effect the citizenship of any man whose right had been conferred by Legislature or otherwise. My friend, Judge Lewis, refers to a case in the Supreme Court of the United States. I am willing for the Commission to consider that. The case is that of Mr. A. B. Reff. Mr. Reff had married a white woman who was made an Indian by adoption of the Legislature on condition that he became a member by reason of his marriage with her. The Supreme Court in the case of Reff vs. Brewer held that the right conferred upon Malinda Brewer,- the question of right was not discussed in that case,- but Judge Brewer did say what effect this would have upon the right of the applicant. It is not necessary to go into that now.

If the Choctaw Council at the time they passed this act had jurisdiction to pass upon and determine the citizenship of its tribe, as was held by Attorney General Garland, they cannot by a subsequent Legislation, nor by their judiciary, pass a law that would effect that citizenship,- the right is vested. It would be foolish to say otherwise. These people applied at Chickasha; there was an objection to enrollment of them then; they have been duly notified to appear at Ardmore and submit their case to this Commission to-day, and many of them have come many miles and at great expense. The evidence suggested is that of a woman whose evidence is certified to by the Choctaw Nation, she having testified before the Indian Committee of the Choctaw Council prior to the passage of this act. That evidence is here certified to. I would suggest that if that woman would come here to-day and say that is not her testimony that the testimony of Captain Stanley to the effect that she did testify to it is entitled to as much credit as the woman, and more too. Then they want to postpone it to get evidence to impeach the witness. Would the want of impeaching testimony authorize the Court to continue the case? It would be a great expense for these people to go home. The Choctaw people have had ample time to take up and produce before this Commission any evidence of fraud against these people, evidence that they have divulged, of fraud that resulted in their enrollment. I concur with Captain Stanley that these people are now ready and want to be heard.

(By Mr. Stanley) We can prove the case without Mrs. Ward's testimony. We are not dependent upon Mrs. Ward to prove this case.

(By Mr. Lewis) I will read our instructions when we were ap-

pointed upon this Commission:

"The Commission will have authority and are hereby specially instructed to inquire into the case of all persons who have heretofore been admitted by Council, and if the Commission find that bribery was used, or any perjured testimony was used, in the case, the Council shall ask for a repeal of the law", etc.

With all deference to Captain Stanley and Mr. Herbert, I will state that I think Mr. Herbert has gotten off his base a little. I claim any time we find we have made a mistake in admitting a person we can repeal that law. This is not the only case.

(By Mr. Herbert) I will ask you if this act was not admitting their citizenship and not conferring it?

(By Mr. Lewis) I will admit that they were admitted all right I claim that we have a right to repeal any act. It says "specially" that we are to report anything of that kind. R. J. Ward being one of the Commissioners, and one of the most important witnesses in it, he had ample time to talk with his mother on this case. Mrs. Minehart being dead, there was no chance in the world to get what she said about it, but she has got a sister there only two years younger than she is that knows this family just as well as her elder sister did. I don't say the folks are not Choctaws, and I am willing to give them every chance in the world. I am not particularly prejudiced against that family. They may be all right, and they may not be, and I am willing to give them every chance in the world to have this thing investigated at Oak Lodge, and I think they ought to let the thing go over until we get there, where everybody is well acquainted. I don't say they are not Choctaws, and if they are we have no disposition to keep them out, but I

think it ought to go where we can show the witnesses. Mrs. Ward is an ignorant woman, a full blood Indian - - - - - -

(By Commissioner Needles) Why have you not got your witnesses here?

(By Mr. Lewis) R. J. Ward said he had an agreement to let all these Choctaw cases go over. The Commission might not remember it, it might have only been private talk. I ask that this thing go over until we get over to Oak Lodge.

(By Mr. Stanley) There is another point in this statement. It is a sort of rumor that is not admissible in a Court, according to the rules of strict evidence, that is the fraud by which these people were admitted to citizenship, was that they came through a certain line and it was known that the line through which they came, Hugh Foster, didn't have any heirs. Well, they didn't come from Hugh Foster, didn't come from him at all, and it has never been claimed that they came from Hugh Foster.

(By Mr. Lewis) Who did they come from?

(By Mr. Stanley) Came from Moses Foster and James Foster. Moses Foster was the grand father.

(By Commissioner Needles) Is your evidence all documentary?

(By Mr. Stanley) I have documentary evidence, yes sir.

(By Commissioner Needles) You have no verbal evidence then to offer to-day?

(By Mr. Stanley) No sir.

(By Mr. Stanley) Before a conclusion is announced I would be glad for you to take into consideration another matter. These people have not only come here at great inconvenience and expense,

but I have come here at great inconvenience and expense also. The Commission will perhaps understand that it will not be as convenient for me to attend at another time as it is now. Another thing, if this Commission by its conclusion put the appearance upon this case that your citizenship is doubtful, that you may or may not, it depends upon some a contingency, these people in the Chickasaw Nation have tenants, they have gone to work and developed considerably, when they furnish a opportunity to their tenants to say: "Here, you are not the people for us to pay this to". They are trying to say so now I understand. "The Choctaw Council has repealed your case, we don't recognize you, we will appropriate the rents ourselves". That is a feature that presents itself.

(By Mr. Needles) The Courts would give them relief as to that I presume.

(By Mr. Herbert) It occurs to me that when an Indian name is upon the roll it should remain upon the roll unless by the judicial act of this committee it is eliminated. Now then, about October 20th, 1898, at Chickasa, where these people reside and where they have resided for years, they applied to be enrolled, the contestee, the Choctaw Nation, the defendant so to speak, simply raised a protest against the enrollment of these people, charging fraud. A month has elapsed; this Commission has set this case for hearing and notified each party interested, because I have seen the notice, to be here to-day to answer the charges of the Choctaw people. Now I say this, that the same burden of proof rests upon the Choctaw Council of Choctaws that would rest upon a man who pleas in bar to the final judgment of a Court of competent juris-

diction, and until the man who assails it by a plea in bar and introduces proof that this judgment must be void the judgment is a reality and must be so treated the world over. What have the Choctaws before this Commission? A mere suspicion that fraud existed in 1888 before the Choctaw Council, taken as a predicate for the Council to act upon in passing this legislation. To-day the case is set down and a month has been given to the Choctaw Nation to introduce its proof. What excuse have they to ask for a postponement? Not a single witness, not a single evidence of fraud that is tangible! We insist that we are entitled now to be heard. It is rumored that a woman whose evidence was taken down in writing and signed and sworn to, and which is now certified to by the National Secretary of the Choctaw Nation, which is now in our possession, evidence introduced to that committee, which committee reported to the Council, and that they recognized by an act then passed the citizenship of these people. If they can by a rumor continue a case, when will the work of this Commission end? Suppose this woman should say she didn't testify to it? Captain Stanley says she did testify to it. If the woman should say "No, I never testified to that", and Captain Stanley was not there, and then we would ask that this case be postponed until we could secure impeaching testimony, a rule that is never invoked in any court, that rule was never known to the law, especially in America. They have used no diligence to profuse that testimony. What subpoenas have been issued in this case by the Commission at the request of the Choctaw Nation? There is no diligence shown, and if simply upon a rumor, which may be without foundation, these matters can be postponed,

there will never be any end to the work of the Commission.

(By Mr. Lewis) R. J. Ward was the only Commissioner who was present at Chickasha. I was not there, and I don't know what arrangement he had made with the Commission, but he told me that he had asked that the Commission continue this case until they got down into the Choctaw Nation, all Choctaw cases.

(By Mr. Bixby) I do not think that was in t is case.

(By Mr. Lewis) The only reason that I appeared here as one of the Commissioners was we heard of this writ of mandamus upon the Commission, and the Governor ordered me to appear here, but it seems the whole thing was over before I got here.

(By Mr. Stanley) The Commission will understand that this testimony was taken under oath.

(By Mr. Lewis) We admit that but the Commission will understand that R. J. Ward is a son of this witness, his own mother.

(By Mr. Bixby) We understand that, Judge.

(By Mr. Stanley) I would suggest to the Commission to inquire of Judge Lewis whether Robert Ward did not ask his mother that she testify that these people were descendants of Allen Foster and Jake Foster. I will admit that that woman didn't testify that these people were descendants of Jack Foster and Tom Foster. We didn't try to prove it, we had no right to attempt to prove anything of that kind. So that it may be that Mrs. Ward's statement comes in that way. Here comes a rumor from the country that these people come from Hugh Foster's family.

(By Mr. Lewis) Have you got any testimony outside of Mrs Ward - - -

(By Mr. Stanley) Yes sir, three witnesses.

(By Mr. Lewis) Were they used before the Council?

(By Mr. Stanley) Yes sir.

(By Commissioner Bixby) Why are your clients here to-day?

(By Mr. Stanley) Expecting this case to be heard.

(By Mr. Bixby) You have no oral testimony?

(By Mr. Stanley) The testimony is here.

(By Mr. Bixby) You say you have no oral testimony?

(By Mr. Stanley) These people that are here are younger members of the family. They came here expecting the case to be heard. Of course they feel anxious for the matter to be heard. They were notified to be here by the Commission.

(By Mr. Bixby) No sir, not all these people that are here. We only notified such people as we were requested to notify.

(By Mr. Stanley) I received a letter from the Commission - - -

(By Commissioner McKennon) I wrote you the letter. My understanding as to the Choctaw cases,- I do not know exactly how I got it,- that in all Choctaw cases we would take any evidence that might be adduced here, for convenience, you know, so that witnesses would not have to go to the Choctaw Nation, and we would leave the cases open and take the testimony of other witnesses in the Choctaw Nation in all Choctaw cases. That was my understanding. It seems to have been the understanding as to some cases but I do not know as to this case. Now then, that being the case, if they did understand so, of course, they did not make any effort to bring their witnesses all the way from there here. My idea was that we would take this hearing in a manner that would be of as little inconvenience as possible. If you had witnesses here, for instance, we

would hear them here and the others over there, and then when we get through we would be better prepared to understand the case.

(By Mr. Stanley) We did not feel that we had any evidence to introduce or that it would be necessary for us to produce any. The burden of proof, it seems to me, is on the other side.

(By Mr. Lewis) I understood that the Choctaw cases would be continued.

(By Mr. Bixby) We are not prepared to-day to decide what effect, if any, the action of the Choctaw Council might have with regard to this case, and, therefore, we will continue it until some day early in April.

(By Mr. Herbert) At what place will the adjournment be had?

(By Mr. Bixby) What will be convenient to the representatives of the claimants, at what place?

(By Mr. Stanley) Suppose you would make an appointment at some place at which we could not attend?

(By Mr. Bixby) At what place?

(By Mr. Stanley) I do not know the time?

(By Mr. Bixby) State some time that would be convenient to you.

(By Mr. Stanley) Will you wait until to-morrow?

(By Mr. Bixby) Yes sir.

(By Mr. McKennon) Gentlemen, we will endeavor to make it as convenient to you as we can.

(By Mr. Herbert) It occurs to me that it would be more convenient to try this case in the Chickasaw Nation, for the reason that if the Dawes Commission, after hearing the case, decides they

are entitled to enrollment, each head of a family will have to present themselves for enrollment.

(By Mr. Bixby) I think they are on cards now.

(By Mr. A. Tell, Chester Com'S.) They are all on white cards now.

(by Mr. Lewis) If the Commission will meet at Oak Lodge it will suit me better, as Mrs. Ward lives there and she is a very old woman.

(By Mr. Needles) What is the matter with South McAlester?

(By Mr. Lewis) That will do.

(By Mr. McKennon) Now you gentlemen arrange as to the time and it will be all right.

(By Mr. Stanley) We would ask the Commission in the mean time to give such protection to these people in connection with their right as they can.

(By Mr. McKennon) We have no authority to do anything of that kind. These people are on the rolls and until their cases are decided nobody has a right to conclude that they are not citizens or to interfere with their property.

(By Mr. Lewis) I will state that we have no desire in the world to interfere with them.

(By Mr. Herbert) The only thing is this, they are subjected to vexatious litigation.

(By Mr. Stanley) We want to consult our Court docket and will let the Commission know to-morrow in reference to the time.

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DEPARTMENT OF THE INTERIOR

Commission to the Five Civilized Tribes.

South McAlester, Indian Territory, March 30,1899.

In the matter of the Application of Foster, Campbell, et als., for Enrollment as Choctaw citizens.

Captain Standley: The Commission will remember when we were at Ardmore as to the action of the Choctaw Council. It was stated, without knowing whether it was true or not, that the Council had passed an Act repealing the Act recognizing the citizenship of these people. We think it was invalid because the Council had no authority, but that kind of an Act was passed and went on up to Washington and was disapproved by the President. Has the Commission been advised of that fact? Here is an official letter (From the Secretary of the Interior) which makes a statement of that fact. (Letter is shown to the Commissioners)

Captain McDonnell: The Commission is ready to hear anything upon either side of the case?

Captain Standley: We are resting upon that Act of the Council passed in 1896, after investigation of the questions and after examination of witnesses. The matter is here and is a matter of record. I have documentary evidence furnishing abundance of evidence. If the Treaty of 1855 has any effect at all it applies in his behalf, because the provision which provides for a stay in Mississippi, and a return afterwards to the

Choctaw Nation, is in favor of the 14th Article claimants. I will read the affidavits which were used before the Council. (Reads) I was present in the room when the Committee took these affidavits. It was done through an interpreter; it was in due form and legal. (Continues reading)

Captain McKennon to S. E. Lewis:Have you anything to offer to show that these people were fraudulently admitted, or that they are not the persons they represent themselves to be?

Mr. S. E. Lewis: Not now.

Captain McKennon: Have you evidence to show that the testimony given by these other two parties is false?

Mr. S. E. Lewis: No sir

Captain McKennon: That evidence was taken by a Committee constituted for that purpose and taken through an interpreter provided by the National Council for that purpose; that it was reported to the Council by that Committee, and was favorably acted upon by Council, and these parties were admitted to citizenship. Captain Standley says he was present. We will take this matter under advisement, and will determine what we will do in the matter and will announce our decision before we leave here.

Spiro, Ind. Ter., June 13th, 1899.

Statement of Sarah Jane Hayarka, In Re, application of Foster Campbell, et al, for citizenship.

Sarah Jane Hayarka, being duly sworn by Commissioner Needles, testified as follows:- Examined by J. S. Stanley, et al.

Q. What is your name? A. Sarah Jane Hayarka.

Q. How old are you? A. Some where about sixty.

Q. Do you know Jim Foster? A. No sir, he was left in Mississippi. I came out here when I was a little child.

Q. Who was your father? A. My father was Hugh or Allen Foster.

Q. What kin was he to Jim Foster? A. I cant tell you that, he was left in Mississippi.

Q. Didn't your father have a brother? A. Not here, they were all left in Mississippi. I have been sick so long, my recollection is not good.

Q. Do you remember who Hugh Foster was? A. No sir.

Q. You don't know who your grand father was do you? A. No sir, I just heard my mother talk about it after we came here.

Q. What is your recollection that she said about it? A. She said they were kin to us.

Q. Did she mention any names of those that were kin to you?, the Fosters? A. Just a few.

Q. Do you remember any of the names? A. No sir, Mrs. Ward remembers them all.

Q. Who was Mrs. Minehart? A. She was a Foster.

Q. What kin was she to you? A. She was my sister.

Q. was she older than you? A. Yes sir.

Q. Did she know any more about the Foster family than you did? A. I don't know whether she did or not, my father was killed by a white-man and is buried right up here at Skullyville.

Q. You have always understood that your father claimed a brother named Jim Foster, back in Mississippi, haven't you? A. Yes sir, I have always heard that.

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Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my oath as stenographer to the Commission that this transcript is a true and correct transcription of my notes.

M. D. Green

Commission to the Five Civilized Tribes,

Spiro, Indian Territory.

In the enrollment of William F. Foster and James M. Campbell, et al. as Choctaw citizens. Eliza Ward being sworn and examined by Commissioner McKennon testifies:

(Dukes, Interpreter.)

Q Eliza Ward, seventy years old.

Q (Captain Stanley) Ask her if she knew Jim Foster in Mi s-sissippi? A Yes.

Q Was he Choctaw? A Yes sir, says his mother was a full-blood

Q Ask her if Jim Foster had any children? A Says she don't know whether he had any or not. Said there used to be some young people around his place there.

Q Ask her if she knew Hugh Foster? A Says she used to know Allen Foster, Moses Foster, James Foster, in Mississippi; says she don't know anything about their children.

Q Where did they live in Mississippi, in the Old Nation?

Q She says they used to live ~~there~~ on Black Creek.

Q (Captain McK.) Ask her if she knew the mother of James and Hugh Foster? A Says yes, she knew her, that she was a full-blood Choctaw.

Q Ask her where the mother lived? A On Black Creek.

Q What County is that in? A Says she don't know.

Q Did she live anywhere near Pearl River? A Says that Black Creek had an English name, but she don't remember what the name was.

Q When was it she knew these Fosters? A Says when she was a child and was in Mississippi where she saw them.

Q Ask her if she knew where the mother of the Fosters died?

Q Says she moved away from there and she doesn't know.

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L.R.S.

AMS.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

January 26, 1899.

Capt. J. S. Standley,

Willards Hotel, Washington D.C.

Sir:

The Department is in receipt of your letter, without date, inclosing a copy of the act of the General Council of the Choctaw Nation, conferring citizenship on W.F.Foster et al., approved November 5, 1888, together with the petition of said Foster et al., protesting against the approval of the act of the General Council of said Nation repealing the former act.

You are advised that said repealing act was duly submitted to the President for executive action, and has been returned disapproved upon the recommendation of the Department, of which the Executive Secretary of the Choctaw Nation was duly advised through the U.S.Indian Inspector for the Indian Territory.

Respectfully,

Secretary.

Ind.Ter.Div.
1227-1898.

Copy

An act to establish the citizenship of W. F. Foster and others.

Be it enacted by the General Council of the Choctaw Nation assembled, that William F. Foster 31 years of age, his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years

[illegible]

their children Nade Maudes Paul aged 12 years, Belle Paul 8 years of age, Lidia Paul 5 years of age, Delia Paul 3 years of age, Claude Paul aged 7 months, also Mollie Williams nee Foster 22 years of age, her husband W. F. Williams 26 years of age, their children Lula Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age, her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lula Foster aged 3 years orphan daughter of James Foster deceased, also Samuel Foster aged 13 years, and William F. Foster Jr aged 11 years orphan children of Samuel D. Foster deceased, also Ephraim Foster about 58 years of age, his wife Amanda Foster 53 years of age, their [illegible]

children Edna Foster 17 years of age. Ida Foster 15 years of age. and E. A. Foster 13 years of age — the said Ephraim Foster being the father and grand father of the Fosters above named also James M. Campbell 38 years of age. his wife S. F. Campbell 39 years of age. their children J. L. Campbell 14 years of age. C. R. Campbell 12 years of age J. A. Campbell aged 10 years. Molly Campbell aged 8 years. Maggie Campbell aged 6 years. L. C. Campbell aged 4 years. Minnie Campbell aged 3 months their ~~married~~ married daughter Anna Jones nee Campbell aged 18 years. her husband William Jones aged 25 years. their daughter Maude Jones aged 2 years also their married daughter Ella White nee Campbell

years, his daughter Ella Campbell aged 13 years and his son William Campbell aged 6 years. also Eliza A. Paddock nee Campbell aged 34 years. her husband Reuben Paddock aged 38 years, their children Nancy J. Paddock aged 17 years, James L. Paddock aged 15 years, William H. Paddock aged 12 years, Reuben W. Paddock aged 10 years. Eliza Ellen Paddock aged 3 years, John S. Paddock aged 3 years, also Jane Huykendall nee Campbell 30 years of age. her husband Joseph Huykendall aged 37 years. their son.

aged about six years (name not now remembered) —
the above named Campbells being the children and grand-
children of Ellen Campbell nee Foster now deceased.
who was the [redacted] of Ephraim Foster aforesaid —
are hereby admitted to citizenship in the Choctaw Nation
with all of its rights privileges and immunities, and
this act shall take effect and be in force from
and after its passage.

A. B. James
Chmn Com on Citizenship

Approved Nov 5. 1888
B. F. Smallwood
[redacted] Chief
Choctaw Nation.

I hereby certify that the above is a true
and correct copy of the original act now on file
in my office.

In testimony whereof I have hereunto set my hand
and affixed the great seal of the Choctaw Nation
Done at Tushka Homma this the 6th day of
November A. D. 1888.

A. Tillé
National Secretary
Choctaw Nation

To the Hon. Senate and House of Representatives of the General Council of the Choctaw Nation, October session 1888.

Your petitioner Eaphram Foster a resident of--- -- age 58 years, would most respectfully ask your Hon. body to grant unto me and my daughter Edna Foster age 17 years and my daughter Ider Foster age 15 years and my son Abner Foster age 13 years all the rights privileges and immunities of Choctaw citizenship that other Choctaw people enjoy in the Choctaw Nation for the following reasons, to wit:

Because I am a desendent of the Choctaw tribe of Indians by blood. My father was James Foster a half breed Choctaw Indian and my grand mother - — - - - —Foster a full blood Choctaw Indian woman and was the widow of Moses Foster and I am myself and my direct heirs are desendents of the Choctaw tribe of and are entitled to rights above asked for.

Eaphram Foster,
By his attorney,
C.W. Thompson.

(Endorsements.)

No. 33.

Application of Eapharam Foster for citizenship.
Filed in my office this Jany. 9, 1888. A. Telle, Nat. Secty, C.N.
Filed in my office this Oct. 13/88. J.B. Jeter, Clk Committee on Cit.
Adopted by Committe Oct. 30/88. J.B. Jeter, Clk.

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING is a true and correct copy of the original papers now on file in the office of the National Secretary at Tushkahoma, I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation ~~at~~ done at Tushkahoma, I.T. this the 10th. day of October, 1898.

Solomon J. Homer,
National Secretary,
Choctaw Nation.

Hon. Senate and House of Representatives of the General Council of the Choctaw Nation.

Your petitioner Ephriam F.Campbell a residing in Pickens County Chickasaf Nation age 34 years,most respectfully ask your Hon.body to grant unto me and my daughter Ella Campbell age 6 years all the rights privileges and immunities of Choctaw citizenship for the following reason,to wit:

Because I am a lineal desendent of the Choctaw tribe of Indians by blood my mother was Ellen Campbell whose maiden name was Ellen Foster the daughter of James Foster who was the son of Mrs. Foster a full blood Choctaw woman and the widow of Moses Foster. I am myself and my direct heirs desenddents of the Choctaw tribe of Indians by blood and entitled to the rights above asked for,this November the 20th. 1887.

(Signed) E.F.Campbell.

By his attorney

G.W.Thompson.

(Endorsements)

No. 35.

Application of E.F.Campbell for Citizenship.

Filed in my office this Jany.9,1888.

A.Telle.Nat.Secty.C.N.

THIS IS TO CERTIFY that the above and foregoing is a full true and correct copy of the original papers now on file in the office of the National Secretary at Tushkahoma,I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation,done at Tushkahoma,I.T. this the 10th. day of October 1898.

Soloman J. Homer

National Secretary,

Choctaw Nation.

To the Hon.Senate and House of Representatives of the General Council of the Choctaw Nation,October Session next 1888.

Your petitioner William F.Foster a resident of Blue County Choctaw Nation age 51 years would most respectfully ask your Hon. body to grant unto me and my wife Mary Foster age 26 years and my son John A.Foster age 8 years and my son Robert E.Foster age 5 years,and my daugdter Maude Foster age 5 months,all the rights privileges and immunities as Choctaw citizenship in the Choctaw Nation for the following reason to wit: Because I am a lineal desendent of the Choctaw tribe of Indians by blood my father is Ephriam Foster who is a son of James Foster a half breed Choctaw Indian,whose mother was the widow of Moses Foster and a full blood Choctaw woman,and I am myself and my direct heirs desendents of the Choctaw tribe of Indians and entitled to the above rights asked for.

William F. Foster
By his attorney,
C.W.Thompson.

(Endorsements.)

No.27
Application of William F.Foster for citizenship.

Filed in my office this Jany.9,1888.
A.Telle,Nat.Secty.C.N.

THISIS TO CERTIFY THAT THE ABOVE AND FOREGOING is a true and correct copy of the original papers now on file in office of the National Secretary at Tushkahoma,I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the C.N. at Tushkahoma,I.T.this the 10th. day of October, 1898.

Solomon J. Homer
Natoinal Secretary,
Choctaw Nation.

To the Hon. Senate and House of Representatives of the General Council of the Choctaw Nation October Session 1888.

Your petitioner Abe Foster a resident of ---- ------ age 29 years would most respectfully ask your Hon. body to grant unto me and my wife Minnie Foster age 25 years and my son William Foster age 5 years all the rights privileges and immunities of Choctaw citizenship that other Choctaws enjoy in the Choctaw Nation for the following reason,to wit:

Because I am a desendent of the Choctaw tribe of Indians by blood my father is Ephriam Foster and my mother grandfather was James Foster a half breed Choctaw Indian and my great grand mother was Mrs. Foster a full blood Choctaw woman who was the widow of Moses Foster and I am myself and my direct heirs are desendents of the Choctaw tribe of Indian and are entitled to the rights above asked for.

Abe Foster,by his
Attorney,C.W.Thompson.

(Endorsements.)

No.29 Application of Abe Foster for citizenship.
Filed in my office this Jany.9,1888.
A.Telle,Nat.Secty,C.N.

THIS IS TO CERTIFY That the above and foregoing is a full true and correct copy of the original papers now on file in the office of the Nationall Secretary of the Choctaw Nation.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation,done at Tushka homa,this the 8th. day of October 1898.

Solomon J. Brown
National Secretary,
Choctaw Nation.

To the Hon. Senate and House of Representatives of the General Council of the Choctaw Nation.

Your petitioner William F.Foster a resident of Blue County Choctaw Nation,do most respectfully ask your Hon. body to grant unto my deceased brother James M.Foster orphan child Lula Foster age 5 years,all the rights and privileges and immunities of Choctaw citizenship that others Choctaw people enjoy in the Choctaw Nation for the following reason,to wit:

Because the said Lula Foster the orphan child is a desendent of the Choctaw tribe of Indians by blood her father was James M.Foster who was a son of Ephriam Foster who was a son of James Foster,and James Fosder was of Moses Foster and his wife a full blood Choctaw Indian and she is a desendent of the Choctaw tribe of Indians and entitled the above rights asked for.

(Signed) William Foster,
Guardian for Lula Foster.

(Endorsements)

No.31. Application of William F.Foster,Guardian for Lula Foster minor heir of J.M.Foster deceased.

Filed in my office this Jany.9,1888.
A.Telle,Nat.Secty.C.N.

THIS IS TO CERTIFY,That the above and foregoing is a full,true and Correct copy of the original papers now on file in the office of the National Secretary at Tushkahoma,I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation done at Tushkahoma,this the 10th. day of October 1898.

Solomon Homer
National Secretary,
Choctaw Nation.

To the Hon. Senate and House of Representatives of the General Council of the Choctaw Nation.

Your petitioner William F.Foster a resident of Blue County Choctaw Nation,do most respectfully ask your Hon.body to grant unto my deceased Brother,Samuel D.Foster minor children orphans Sammie Foster age 13 years and William Foster age 11 years all the rights privileges and immunities of citizenship in the Choctaw Nation as other Choctaw people enjoy for the following reason,to wit:

Because the said Sammie and William F.Foster orphan children are lineal desendents of the Choctaw tribe of Indians by blood their Father was [redacted].Foster a son of James Foster and James Foster was a son of Moses Foster and his wife who was a full Blood Choctaw woman and those minor children are desendents of the Choctaw tribe of Indian and entitled to the above rights asked for.

William F. Foster, Sr.
by his attorney C.W.Thompson.

(Endorsements)

No.28.

Application of William F.Foster Sr. Guardian,for citizenship of Sammie and William F.Foster Jr.

Filed in my office this Jany.9,1898.
A.Telle,Nat.Secty.C.N.

THIS IS TO CERTIFY that the above and foregoing is a full and true copy of the original papers now on file in the office of the National Secretary of the Choctaw Nation.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw NAtion,done at Tushkahoma this the 8th. day of October 1898.

Soloman L Homer
National Secretary,
Choctaw Nation.

Mrs. Ward being duly sworn testifies as follows,to wit:

The mother of James and Hugh Foster was a Choctaw woman. Jim Foster's mother used to live on Pearl River in the Old Choctaw Nation in Mississippi.

Ques. Are they related to you? Ans.No relation of mine.

Ques. What year was this you knew the Fosters? Ans. During the second emigration. Ques.Did Fosters mother die there? Ans. I do not know as we moved away.

Mrs. Eliza Ward.

(Endorsements.)

Testimony of Mrs.Ward and Mrs.Minehart in behalf of Foster and Campbell.

Filed in my office this Oct.29/88.

J.B.Jeter,Clerk,Com.on Citizenship.

Mrs. Martha Minehart being duly sworn testifies as follows,to wit:

I know that Jim Foster was my fathers brother,my fathers was named Hugh Foster. He has two boys and three girls.One the boys was named Ephriam Foster and this man here is Ephriam's son.

Ques. What part of Miss.did you live in? Ans. In Holme Co.Miss.

Mrs. Martha Minehart.

(Endorsements)

Testimony of Mrs.Ward and Mrs.Minehart in behalf of Foster and Campbell.

Filed in my office this Oct.29/88.

J.B.Jeter,Clerk Com.on Citizenship.

THIS IS TO CERTIFY,That the above and foregoing is a full true and correct copy of the original papers now on file in the office of the National Secretary at Tushkahoma,I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand the seal of the Choctaw Nation,done at Tushkahoma,I.T.this the 10th. day of October,1898.

Solomon J. Homer,

National Secretary,

Choctaw Nation.

Testimony of in case of J.M.Campbell claiming Citizenship.

Being duly sworn and saith Campbell hatak illappa anta ellappa petition bohli tuk ellappvt ateko imvlla yoke. Ano yokvt nana kvt amvlbahanchi kvt aki yat hatak api Chahta yosh amanca hoa chatukoke. Hashke vt hatak upi homa Chahta iklana James Foster hohchifo hO itihalli tok. Yohmi tuko vlla yat ushta hosh imasha tok,vlla nakni yat tuklo akma tek vt tuklo tok.Yama aetehvlalli kat Mississippi anukaka yakni chumpa ache yammako aiti halalli tuk osh wihat Louisana ulhti yammako ona tuk oke. Vlla tek isht aiopi Ellen hochchifo yamak atuk vt ont hofantit taha mat hatak hochifo Campbell o iti halali tok. Yohmi ma J.M.Campbell illuppat tuklo itihallali tok ali kash o imvlla yo yoke. Ahanta tuk aiahli ka ithanali,mihkia New Mexico yamak o wihat kako afami tuchina chuhmi ka akpiso kitok. Yohmi kia yamak atok aiahli mihinti ka pihinsali chatuk oke.

2nd. (page) Nana ayak ostinechili kat illuppak osh aiahli.

Qu. by Com. James imafo yakia ithana tok ah?

Ans. Si vlla fehna moma ho hashki yat hatak api homa xtx isht aiifialamit nahullo o yakni sasht aya tok atuko akanomi ka ithanali keyo hoke.

Qu. Ellen akosh isht aiopi tok ish ache hokat,afami nana ho itihvli tok aesht hana? Ans. Peh yamak fehna ahnit pit atkolila hekeyo kia peh afami achuffa foka kvto a hlakoffi honkia peh afami 37 foka tok amahoba.

Qu. Ellen Campbell illappa illap inakfi chia yachini hokat citizen chia ho? Ans. Keyo kia atokoli chit hluppullili kxyx xxxx chi sabanna hakinli kia yamm koka aiahli chit hluppullili keyo moma.

Qu. What do you call yourself? Ans. Foster. Qu. What is your given name? Ans. Ephriam. Qu. Where do you live? Ans. Caddo.

Qu.Suppose you are Ellen Campbell's Brother? Ans. Yes sir.

3rd. (page) Qu. In what year did she married? Ans. About 37 years.

Qu. Is Ellen living? Ans. She is dead. Qu. How old was she when she died? Ans. She must been 40 years to the best of my recollection. Qu. How long xinm since she died? Ans. She been dead about 19 years. Qu. How old is James Campbell? Ans. He is about 38 years old. Where did Ellen Campbell die at? Ans. She died in Texas in Lamar County. Qu. That was 19 years ago? Ans.Yes sir. Qu. Was Ellen Campbell's father Choctaw or white man? Ans. He is half Choctaw. Qu. You personally know him? Ans. I guess he was.

Did you say Ellen was two years older than you are? Ans. Yes sir she was two years older than I am.

Qu.How old was Ellen Foster when she married? Ans. She was young I cannot say how old she was. Where did James Foster die at? Ans. Mississippi. How old was you when you left Mississippi? Ans. I think I was 12 years old. Qu. How long since you left Mississippi? Ans. I reckon about 45 years. Qu. Have you been living about Caddo at that time? Ans. I was carried to Louisanna when I was 12 years old. Qu. How long you been living in this Choctaw Nation.?Ans. about Six years. Qu. Did you know anything about citizenship going on? Ans. Yes sir. Qu. Why did you not put in your petition before this James Campbell Ans. Well I paid $5.00 on it.

Testimony of in case of J.M.Campbell claiming Citizenship, Continued.

Qu. You know anything of A.P.Womack? Ans. Yes sir he is uncle of mine. Qu. You know anything about A.Womack.Ans. Yes sir he is brother to that other. Qu. They are white men are they? Ans.Yes sir. Qu. Where is Womacks originally from? Ans. Mississippi. Did you say you was eleven years old when you left Miss.? Ans. About 12.

5. (page) Do you know in what County you live in there? Ans. In Holmes County. Did these Gentlemen Womacks move around with you? Ans. They moved into Texas. Qu.What kin is Womack to Campbell?Ans. Well his uncle's mother. Qu. Was there any other Choctaws besides these Fosters? Ans. I dont know. Qu. Did you ever find any white men by the name of Fosters. Ans. Yes sir. Qu. How long since James Campbell put in his petition before Council. Ans. I dont know. Qu. by Atty. You say it is about 37 years since she been married? Ans.I think about that. Qu. You dont know for certain then at that time? Ans. No sir. How old was James Campbell you say? Ans. About 37 years old.

Qu. You always been told you grand father,did you know his name was? Ans. I heard they called him Moses Foster. Qu. Who was your grandmother?was she white woman? Ans. No sir,I was told she was half Choctaw.

(signed) E. Foster.

(Endorsements.)

Testimony of E.Foster in behalf of J.M.Campbell.

THIS IS TO CERTIFY THAT the above and foregoing is a full true and correct copy of the original papers now on file in the office of the National Secretary at Tushkahoma.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation at Tushkahoma,I.T. this the 10 th. day of October,in the year 1898.

Solomon J. Homer

National Secretary,
Choctaw Nation.

Tushkahoma, I.T.

Testimony of William F.Foster.

Being duly sworn says Darty Foster was my Aunt,she was my father's sister,my father's name ~~xxx~~ is Ephriam Foster.

Ques. by the Atty:Did you live cose by Darty? Ans.Yes Sir I knew the family well,my Aunt Darty married Frank McClelan. Frank McClelan is dead. My Aunt Darty died in 69,they left four children their names,Wade McClelan is the old est,James McClelan, Jeff McClelan,A.B.McClelan.

Ques. by Atty:Do you know yourself all these McClelan children?

Ans. Yes, I knew them all my life. Are a Choctaw by blood. I am aChoctaw by blood.

(signed)W.F.Foster.

Subscribed and sworn to before me this the 23rd. day of October 1891.

Charley Peters, Clerk on Citizenship

(Endorsements)

Testimony of William F.Foster in behalf of Darity Foster.

THIS IS TO CERTIFY that the above and foregoing is a full true and correct copy of the original papers now on file in the office of the National Secretary,at Tushkahoma,

IN TESTIMONY WHEREOF I have hereunto affixed my hand,at Tushkahoma,I.T.this the 8th. day of October in the year 1898.

Soloman J. Homer.

Natoinal Secretary,

Choctaw Nation.

Tushkahoma,C.N. October 7th. 1886.

To the Hon. Senate and House of Representative in General Council assembled: Your petitioner,James M.Campbell,age 38 years a son of Ellen Campbell alias Ellen Foster,deceased,would most respectfully ask your Hon.body to grant unto by an Act of the General Council and my wife S.F.Campbell age 39 years,and their children J.L.Campbell age 14 years and C.R.Campbell age 12 years and T. A.Campbell age 10 years and Molly Campbell age 8 years,and Maggie Campbell age 6 years,and S.S.Campbell age 4 years,and Minnie Campbell age 3 months,and my married daughter Anna Jones age 18 years and her husband William Jones age 25 years and their child Maud Jones age 2 years,and my married daughter Ella White age 16 years and her husband J.E.White age 30 years,all the rights and privileges of citizenship of the Choctaw Nation and for the following reasons to wit:

1st. Because I am the son of Ellen Campbell alias Foster,deceased,who was the daughter of James Foster,who was the son of Moses Foster who married a Choctaw woman by the name of Mucclusher as well as can be remembered.

2nd. Because I am a Choctaw by blood by being a lineal decendant of the Choctaw tribe of Indians my self and my direct heirs above named of Choctaw blood and therefore entitled to the rights and privileges above asked for,all of which your petitioner is ready and willing to prove and in duty bound your petitioner will ever pray.

James M. Campbell.

Witnesses.
A.P.Womack
A.Womack.

Filed in my office this Oct.11,1886.
A.Telle,Nat'l. Secty.

Certificate.

THIS IS TO CERTIFY,That the above and foregoing is a full,true and correct copy of the original "Petition of J.M.Campbell for citizenship" now on file in my office.

IN TESTIMONY WHEREOF,I have hereunto affixed my hand and the Seal of the Choctaw Nation,done at Tushkahoma,I.T.,this the 27th. day of October,in the year One Thousand Eight Hundred and Sinty-Eight.

Solomon J. Thomas

National Secretary,
Choctaw Nation.

A. P. Wormack being duly sworn deposes and saith, James M. Campbell was a son of Ellen Foster and Ellen Foster was a daughter of James Foster. James Foster was a son of Moses Foster. Moses Foster had the Choctaw woman.
Ques. by Committee: Did you know Moses Fosters wife the Choctaw woman. Ans. Yes Well. Ques. In what country was they in? Ans. In Copia County Mississippi. Ques. How many children did MosesFoster and this woman have? Ans. Moses, William, Hough, Allen, James, Betsey. Ques. Did you know any relation of this woman? Ans. No they had moved off about 100 miles. Ques. Did you ever hear Moses or her say anything about her relation? Ans. No sir. Ques. Did Moses die first or her? Ans. Moses died first. Ques. Was her people living in the Choctaw Nation. Ans. No I moved James Foster myself but his mother went someother time.
Ques. In what country did Foster marry in? Ans. In Jefferson County I think, I dont know I think they married 1776 west of the Copia Creek or Jefferson. Ques. What relation is ~~Mmmm~~ James Campbell to Moses Foster? Ans. Greatgrand father. Ques. Did you know what clan she belonged to? Ans. I dont know.
Ques. Did they marry according to the laws of the withe man? Ans. I dont know there was nothing but Indians living there then. Ques. Doyou know if they was married according to the custom of the Indian? Ans. I dont know. Ques. Do you know for certertai this woman was a Choctaw? Ans. I think so, she looked like one talked nothing but Choctaw. Ques. You never heard her say anything about her relation? Ans. No, sir: Foster said she was, she moved off after the second treaty, she went clothed like the Indians. Ques. Did Moses Foster and the Woman live together till they died? Ans. No he became very feeble with old age and his relation taken him to Adams County and he died there. Ques. As he was a whiteman why did he not dress her up? Ans. I dont know. Ques. Where did you first know Moses Foster and his wife? Ans. In Copia County. Ques. Was that in the Choctaw Country? Ans. It had been, he got a reserve there. Ques. Do you know if they parted. Ans. I do not know he got very old and helpless and they moved him to Adams County, and she moved up to Jims. Ques. Where did Ellen Campbell die at? Ans. In Lamar County Texas. Ques. Did you ever hear her say was a Choctaw? Ans. I dont know if she knew it, she moved to Louisina. Ques. Did she look like she had any Indian blood? Ans. Yes she was dark. Ques. Did she have brothers and sisters? Ans. Yes four with her, all dead but one, Ephriam. Ques. Did you ever know any of the Chiefs name? Ans. No if I heard them I have forgot it. Ques. Did you ever hear Ellen or Moses wife say what Chief they belonged to? Ans. No Ellen did not know, she was a child when she left there.
Ques. How far did you live from Fosters? Ans. Second year I lived four or five miles, lived with Fosters son. Ques. How long did you live near them? Ans. About three years and they moved off. Ques. About what year did Campbell and Ellen marry? Ans. I dont know I lived in Mississippi. Ques. About what time did Foster marry that woman? Ans. I dont know before I was born I reckon. Ques. Did you ever hear that womans name? Ans. I do not know they called hes Mrs. Foster or Squaw. Ques. Did Moses Foster and his wife live in the Indian Country. Ans. It had been but they moved off and he drew land there. Ques. Do you know the name of any Creek near Fosters? Ans. Yes Foster and Copia Creek. Ques. Did they die after the land was sold? Ans. Yes he had sold it.
QUES. BY ATTY FOR Claimant. What year did you get acquainted with Mr. Foster? Ans. 1825. Ques. You speak of the old purchase and the new purchase was it before the old purchase? Ans. The old purchase. Ques. This old purchase was before 1825. Ans. Yes they had been living there some 50 years. Ques. You said Mrs. Foster moved to the new purchase? Ans. No she went afterwards. Ques. When you moved Jim Foster did you move him to where the Indian lived? Ans. Yes but I did not see but two or three there. Ques. Did you learn any of their names?
(A. P. Wormack's testimony continued)

(A.P.Wormack' testimony continued)

Ans. No but Jim and Allen talked with them but I did not understand them. Ques. Where did Jim die at? Ans. Where I moved him to that is what my brothers says/ Ques. After Jim died she moved off? Ans. Yes a few years after she moved near where I was living. Ques. What was names of Jims children? Ans. Madison, Dority, Ellen, Ephriam. Ques.They were small when they left the nation? Ans. Yes,Sir. Ques. Did they move from there to Louisiana? Ans. Yes to Jackson Parish. Ques. Where did Jim and Ellen get married. Ans. Lousianam Jackson Parish. Ques. Campbell that married Ellen was the father of J.M.Campbell who is now claiming citizenship. Ans. Yes sir. Ques. You say they lived in Louisana good many years? Ans. Yes sir. Ques. Then they moved to Texas and died there? Ans. Yes sir. Ques.You know have known him all his life. Ans. Ever sincehe was six years old. Ques.Did James M.Campbell move from Texas to the Choctaw Nation. Ans. He moved to Mexico and then moved to the Nation.Ques. You say Moses Foster had three daughters?Ans. Yes but I only knew one of their names. Ques. Do you know who they married? Ans. Yes,one married Jacobs,one married Taylor,one married Simmons. Ques. Did you know any of Jims childrens names? Ans. No. Ques. Did you say Jim Foster drew land? Ans. Yes,I think so he went on land andnis widow lived there several years. Ques. Did you hear her say how long she had to live there? Ans.NO I think some three or four years. Ques.Did James Campbell just knowwhe had Choctaw rights when he went to Mexico? Ans. Yes. Ques. How old old are? Ans. 82 last May. Ques. Where do you live? Ans. In Boskey County.Texas

A.P.Wormack.

Subscribed and sworn to before me,Oct. 14,1886.

G.W.Gardner,Clk Committee.

Endorsed.
(A.P.Wormacks statement in behalf of J.M.Campbell.)

CERTIFICATE.

THIS IS TO CERTIFY,that the above and foregoing is a full,true and correct copy of the original instrument of writing now on file in the office of the National Secretary,at Tushkahoma,I.T.

IN TESTIMONY WHEREOF,I have hereunto affixed my hand and the Seal of the Choctaw Nation,this the 27th. day of October,in the year One Thousand Eight Hundred and Ninty-Eight.

Soloman J. Homer

National Secretary,
Choctaw Nation.

State of Texas
County of Bosque.

I,Geo. W. Randal,Clerk County Court in and for Bosque County,Texas,do hereby certify that I am personally acquainted with A.RWomack Sr. and Abe Womack Sr. that they are resident citizens of this County,and recommend them as good worthy citizens.

IN TESTIMONY WHEREOF I hereunto affix my official signature,and Seal of office in the town of Meridian,this 21st. day of September A.D.1886.

Geo. W. Randal,
Clerk Co.Court,
Bosque co. Texas.

(Seal.)

Certificate.

This is to certify that the above and foregoing is a full,true and correct copy of the original instrument of writing now on file in my office.

IN TESTIMONY WHEREOF Ihave hereunto affixed my hand and the Seal of the Choctaw Nation,done at Tushkahoma,I.T. this the 27th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

Solomon J Homer
National Secretary,
Choctaw Nation.

A. Wormack, being duly sworn deposes and saith,
Well James M.Campbells fathers name was L.C.Campbell, he married Ellen Foster and she was the daughter of James Foster, and James Foster was the son of Moses Foster. Moses Fosters wife was a full blooded Choctaw woman. Ques. By Committe Was Moses Foster a white man? Ans. Yes sir. Ques. In what County and state did tney marry? Ans. In Copia County, Mississippi. Ques. Wen did Moses Foster come to this Country? Ans. He never came to this country. Ques. Did you live in Mississippi? Ans. Yes. Moses Foster was married before I was born. Ques. What was name? Ans. ~~They~~ I dont know they called her Mrs. Foster, I know nothing of their marriage but was acquainted with his family. Ques. In what country did they marry? Ans. If they did not marry in Copia County I dont know where they married. Ques. You say Moses Foster married a Choctaw woman, did you see her? Ans. Yes, sir, I stayed with them. Ques. Was that before they sold the land? Ans. Yes. Ques. Before 1830 ? Ans. Yes, sir. Ques. That was before the Choctaws moved to this country. Ans. Yes, sir, it was about 1831 or 1833 when they come here. What was the name of the country where Moses Foster and his wife lived? Ans. In Mississippi. Ques. Can you name any of the streams where they lived? Ans. Bypie and an other smaller creek named Foster Creek. Ques. Did Foster creek run east? Ans. No it run west into the Mississippi river. Ques. Was it near the Chickasaw. Ans. No it was some distance from them. Ques. J.M. Campbell is the son of Ellen Foster? Ans. yes. Ques. After Fosters death did Ellen R Foster marry Campbell? Ans. No, sir. Ques. You say they maried did they marry according to law? Ans. Yes sir. Ques. Do you know any of Fosters wifes kin folks Ans. No. Ques. Did you ever hear Ellen Campbell say she had any kin folks in this country? Ans. No. Ques. Did you know what clan she belonged to? Ans. No. Ques. Did you know what chief she belonged to? Ans. No after Jim Foster married he moved to black creek to the new purchase. Ques. How many children did Ellen Campbell have? Ans. I dont know five or six, they moved to Texas, this Jim was born in Louisiana, Jackson Parish. Ques. Is she living yet. Ans. No. Ques. Did they separate? Ans. No she died near Paris. Ques. Did this full blood woman marry him in this country? Ans. I dont know I was not born yet I ~~reckon~~ dont reckon. Ques. Did you ever hear her say she was a choctaw? Ans. Yes. Ques. Did you ever hear her call any of them uncle or aunt? Ans. No. Ques. Did you hear her call her mothers name? Ans. No she only called her grandmother. Ques. Did Ellen Foster talk English? Ans. Yes. Ques. Did you know Moses Fosters wife was a full blood Choctaw? Ans. Yes. Ques. Did she talk English. Ans. No she would talk Choctaw to her children and they would talk English to her. Ques. Did you ever hear Foster say anything about his wifes kinfolks? Ans. No. Ques. Did any of her kinfolks come to see her? Ans. When Jim Foster died there was some come to see her and they said they was her kinfolks. Ques. Did you ever hear whether moses Foster married this woman by a preacher or some other authorzied person. Ans. No he just come into the country and married according to the customs I reckon. Ques. Is James Campbell a son of this woman? Ans. NO Jim Foster is a son of this woman. Ques. In what year did you come to Fosters? Ans. 1825. Ques. About how old was you then? Ans. About 15 years old. Ques. About how old are you now

(A. Wormack's testimony continued.)

(A.Wormacks testimony continued.)

Ans. 72 years last January.Ques. Did Moses Foster move to Litt le Black?Ans. No but the old lady did,Foster moved back to Adams County Mississippi Ques. Did they have any children when they separated?Ans. Yes they had several all grown Ques. Did the children go with the father or with the mother.Ans. They went with the mother.Ques. Where did you live at that time?Ans. In Mississippi with my mother. Ques. Do you know personally that Campbell is part Choctaw?Ans. yes sir,this Jim Campbell is a grandson of this old woman. Ques. How old is Jim Campbell. Ans. 37 years he was born 1847. Ques. Did any of the Foster children move to? Ans. I dont know. Ques. Did they draw land ? Ans. Idont know but Jim Foster told me he drew the land he lived on.Ques. What county do you live in now?Ans. Boskey County Texas. Ques. Do you say you know Moses Fosters wife? Ans. Yes sir. Ques. Did they marry according to the Choctaw laws or white man? Ans. I dont know. Ques. How many children did Foster and this woman have? Ans. Seven or eight. Ques. Did you ever hear any of them say anything of her folks? Ans. I asked her maiden name I believe and she told me Maglusher. Ques. Did you you know in what year they married? Ans. I dont know. Ques. Did white people regard marriage then as they do now? Ans. Yes,sir,I believe more then than they do now.

QUES.BY ATTY. Was James Foster a son of Moses Foster by his Choctaw wife? Ans. Yes. Ques. James Foster had brothers and sisters,do you know any of their names Ans. Yes. Ques. What was the names of them that you remember? Ans. Moses,William,Hough,Allen,Jim. Ques. Did you know any of the names of the girls? Ans. only one Betsey she married Jacobs. Ques. Do you know any of the names of children of Betsey and Jacobs? Ans. William, John,Lewie. Ques. When did Jim Foster die? Ans. 1883 in the fall. Ques. When Jim Foster died he left a place and his wife lived on it? Ans. Yes. Ques. Do you know who that place was sold to? Ans. I heard it was sold to Morris. Ques. Did you know any of the Choctaws names who lived there? Ans. No,they frequently came thre I recollect one Lewis Durant. Ques. James Foster was the youngest son of Moses Foster was he? Ans. Yes. Ques. What was the name of James Fosters children? Ans. He had four Dority, James,Ephriam ,Ellen. Ques.Ellen married a man by the name of Campbell did she Ans. Yes,sir. L.G.Campbell. Ques. James M.Campbell is the son of L.G.Campbell and Ellen Foster? Yes,sir. Ques. How long have you known James M.Campbell? Ans. Ever sincehe was born. Ques. Did you know any of the names of Lewis Durants brothers and sisters. Ans. No sir.

A. Wormack.

Subscribed and sworn to before me,Oct. 14th. 1886,

C.W.Gardner. Clk Committee.

(Endorsement.)

A. Wormacks statement in behalf of Jimes M.Campbell.

Certificate.

THIS IS TO CERTIFY, that the above and foregoing is a full,true and correct copy of the original instrument of writing entitled"A Wormacks statement in behalf of James M. Campbell" now on file in the office of the National Secretary at Tushkahoma,I.T.

IN TESTIMONY WHEREOF,I have hereunto affixed my hand and the Seal of the Choctaw Nation,done at Tushkahoma,Ind.Ter.,this the 27th. day of October,in the year One Thousand Eight Hundred and Ninty Eight.

National Secretary,

Choctaw Nation.

choc 5714 Lulu Hallmark

5714

INDIAN

CHOCTAW 20

IN RE

Application for Enrollment of

INFANT CHILD

Erwin A. Hallmark

as a citizen of

Choctaw Nation.

Approved AUG 9 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 9 1901

ACTING CHAIRMAN

CHOCTAW

D93

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Ervin A Hallmark (Here insert name of child), born on the 29th day of April, 1901
Name of Father: James W Hallmark, a citizen of the United States ~~Nation~~.
Name of Mother: Lula Hallmark, a citizen of the Choctaw Nation.
Post-office, New Castle, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } District.

I, Lula Hallmark, on oath state that I am 17 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of James W Hallmark, who is a citizen, by ..... of the United States ~~Nation~~ that a male (male or female) child was born to me on the 29th day of April 1901; that said child has been named Ervin A Hallmark, and is now living.

Lula Hallmark

WITNESSES TO MARK (Must be Two Witnesses) } C W White, Henry Dean

Subscribed and sworn to before me this 6th *day of* August 1901.

C W White
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } District.

I, C S Bobo, a Physician, on oath state that I attended on Mrs. Lula Hallmark, wife of James W Hallmark, on the 29th day of April, 1901; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Ervin A Hallmark.

C S Bobo M D

WITNESSES TO MARK: (Must be Two Witnesses) } C W White, Henry Dean

Subscribed and sworn to before me this 6th *day of* August 1901.

C W White
NOTARY PUBLIC.

(Copy)

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged five months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W. A. Paul 38 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W. F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E. A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named--also James M. Campbell 36 years of age, his wife E. F. Campbell 39 years of age, their children J. L. Campbell 14 years of age, C. E. Campbell 12 years of age, T. A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S. S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J. E. White 20 years of age, also Ephriam T. Campbell aged 36 years, his daughter

Nila Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William H. Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 3 years, John S. Paddock aged 1 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Nila Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A. B. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

B. F. Smallwood,

P.C.C.N.

CERTIFICATE.

--:--

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W. F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Sixty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

(SEAL)

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UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : SCT.
WESTERN DISTRICT. :

I, Charles H. Sawyer, a Notary Public within and for the Western District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 10 day of December, 1902.

Charles H. Sawyer

Notary Public.

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INDEXED

Certificate of Record of Marriage.

UNITED STATES OF AMERICA, } sct.
THE INDIAN TERRITORY.
SOUTHERN DISTRICT.

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of Mr Jas Hollimon and Miss Lula Tosler

were filed in my office in said Territory and District the 9th day of July A. D 1900, and duly recorded in Book E of Marriage Record, page 24.

WITNESS my hand and seal of said Court, at Ardmore, this 9th day of July A. D. 1900.

C. M. Campbell CLERK.

C. M. CAMPBELL, Clerk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 31 1901

ACTING CHAIRMAN.

CHOCTAW.
D 93

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT } ss: To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded, To solemnize the Rite and publish the Banns of Matrimony between

Mr. James Hancock, of Nee Castle in the Indian Territory, aged Twenty Seven years, and Miss Leda Foster, of Nee Castle in the Indian Territory, aged Sixteen years, according to law; and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 3rd day of July A. D. 1900

C. M. Campbell
Clerk of the United States Court.

By J. E. Hayes Deputy

UNITED STATES OF AM
THE INDIAN TERRIT
SOUTHERN DIS

do hereby certify, that
did duly and according t
and publish the Banns c
WITNESS my ha
My credentials ar
Indian Territory, South

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[illegible] Indian Terry
T. O. P. Kelly
July 5th 1900

NOTE (a)—This License and Cert
the Indian Territory,
issued will be liable t
NOTE (b)—No person is authoriz
this have first been r

MARRIAGE LICENSE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, SOUTHERN DISTRICT } ss: To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are hereby Commanded, To solemnize the Rite and publish the Banns of Matrimony between Mr. James Hancock of Nee Castle in the Indian Territory, aged Twenty Seven years, and Miss Lula Foster of Nee Castle in the Indian Territory, aged Sixteen years, according to law; and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 3rd day of July A. D. 1900

C. M. Campbell
Clerk of the United States Court.

By J. H. Hayes Deputy

Certificate of Marriage.

UNITED STATES OF AMERICA, THE INDIAN TERRITORY, SOUTHERN DISTRICT. } ss.

I, W. P. Kelly a Minister of the Christian Ch

do hereby certify, that on the 3 day of July A. D. 1900, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 3 day of July A. D. 1900

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A Page 43.

W. P. Kelly

a Minister Christian Ch

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars, ($100.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper credentials have first been recorded in the Clerk's office.

Choc 5715 W. F. Foster

5715

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of

MARY A. FOSTER. 7-5715.

(Copy)

AN ACT TO ESTABLISH THE CITIZENSHIP OF W.F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Rila White nee Campbell aged 18 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Rila Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William H.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 5 years, John S. Paddock aged 3 years, also Jane Huykendall nee Campbell 30 years of age her husband Joseph Huykendall aged 37 years, their son aged about 8 years (name not now remembered)- the above named Campbells being the children and grandchildren of Eliz Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship.

Approved Nov. 8th, 1898.

B. F. Smallwood,

P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,

National Secretary,

Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : ss.
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-85 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 21 day of June 1902.

Clara Mitchell Wood
Notary Public

Choctaw D-20.

Muskogee, Indian Territory, February 25, 1902.

W. F. Foster,

Norman, Oklahoma,

Dear Sir:-

You are hereby notified that the application of W. F. Foster, Mary A. Foster, John A. Foster, Robert E. Foster, Maud Foster, Claude Foster, James O. Foster, Ida O. Foster, Martin T. Foster and Earl Foster for enrollment as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st. day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes

T. B. Needles.

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 1, 1902.

W. F. Foster, et al.,	::	
	::	
vs.	::	D-~~19~~ 20
	::	
The Choctaw Nation.	::	

In the matter of the application of W. F. Foster, for the enrollment of himself and his minor children, John A. Foster, Robert E. Foster, Maude Foster, Claude F. Foster, James O. Foster, Ida O. Foster, Martin F. Foster and Karl Clyde Foster, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary A. Foster, as a citizen by intermarriage of the Choctaw Nation.

APPEARANCES:-

J. G. Ralls and C. L. Herbert, Counsel for the applicants	:	No appearance on behalf of the Choctaw and Chickasaw Nations.

This case being called, the applicant appears by his Counsel, J. G. Ralls and C. L. Herbert, and this case is passed until to-morrow, April 2, 1902, to be considered at the same time with the case of E. A. Foster, et al., No. 29, the Choctaw Nation not being represented.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 1st day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

H. B. Belford

Subscribed and sworn to before me this 2 day of April, 1902.

Clara Stallwood

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of W. F. Foster for the enrollment of himself and his minor children, John A., Robert E., Maude, Claude F., James O., Ida O., Martin F., and Earl Clyde Foster as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary A. Foster as an intermarried citizen of the Choctaw Nation.	--D 20--

On this, the second day of April, 1902, this cause coming on to be heard, pursuant to an order made on yesterday passing this cause over to be considered at the same time as the case of E. A. Foster, et al., D-29; the following appearances were made:

A P P E A R A N C E S :

W. F. Foster, the applicant, in person, and by C. L. Herbert, J. G. Ralls, and A. Telle, his attorneys.	No appearance by attorneys for the Choctaw Nation.

STATEMENT BY COUNSEL:

Mr HERBERT: We want all the evidence on file in Case No.D-29 to apply to this case, and especially the certified copy of the Act of the Choctaw Council, approved November 5, 1888, entitled "An Act to establish the citizenship of W. F. Foster, et al." which is on file in case D-29.

Mr Telle: I would like to make this statement: The Foster case was contested at Ardmore when they went to enroll, and the matter was continued until the Commission went to Calvin, and then to South McAlester, and then to Spiro, and there the testimony was taken in full, and the testimony of Captain J. S. Standley and Mrs Weeks is on file in that case. The ground of contest was that

there had been fraud used in procuring the act of Council. The testimony was taken as to the matter of fraud, and I think that the Commission expressed themselves as satisfied, and it is my recollection that the Choctaw Commission quit making a fight on the case at Spiro.

W. F. Foster, the principal applicant, being called, after being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A W. F. Foster,---William Franklin Foster.
Q What is your age? A I am going on forty six.
Q Are you the same person who made application in the year 1898 to the Commission for enrollment under the name of W. F. Foster? A Yes sir.
Q Where do you reside Mr Foster? A My property and what little stuff I have got is in the Chickasaw Nation.
Q Where is your family now? A My wife and children are at Norman.
Q Where do you claim your home? A In the Chickasaw Nation.
Q How long has your family been in Norman, Oklahoma? A About ten months; I have been getting my mail there ever since I went over there--that is our closest post office.
Q Have you moved your family to Norman with the intention of making that your permanent home? A No sir, we expect to go back on the farm the fifteenth of next month.
Q What was your intention in moving your family to Norman?
A To school my children.

By Mr Herbert:

Q It never was your purpose to make Norman your home? A No sir.
Q And it never was your purpose to change your residence from the Chickasaw Nation to Oklahoma Territory? A No sir.
Q The only purpose was to live in Norman part of the time to send your children to school? A Yes sir.
Q You have a farm in the Chickasaw Nation? A Yes sir.
Q And that you consider your home? A Yes sir.
Q How far is that farm from Norman? A Fifteen miles.
Q Do you rent that far, out or do you cultivate it yourself?
A We cultivate it ourselves most of the time now.
Q Who? A Me and my boys.
Q You were a resident of the Chickasaw Nation and lived in it in 1898 when the Curtis Bill was passed were you? A Yes sir.

Mary A. Foster, wife of principal applicant, made application to the Commission as an intermarried citizen in 1896, and was rejected by the Commission, no appeal.

Q By Mr Ralls: Is the Mary A. Foster mentioned in the act of the Choctaw Council approved November 5, 1888, the identical person, your wife, Mary A. Foster? A Yes sir.
Q By the Commission: She is the same person who applied to the Commission in 1896 and was rejected? A Yes sir.

The Commission: Do you want to introduce any further testimony at this time?
Mr Herbert: No sir; I think not; I think the main question is that Act of the legislature.

By the Commission: This case will be considered by the Commission, upon the testimony taken at this time and that already on file.

Harry C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 2nd day of April, 1902.

Clara M Tehlewood

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I. T. October 16, 1902.

Choctaw D-20.

In the matter of the application of William Franklin Foster for the enrollment of himself and his eight minor children, John A., Robert E., Maude, Claude, James O., Ida O., Martin T., and Earl Clyde Foster as citizens by blood of the Choctaw Nation and for the enrollment of his wife Mary Angeline Foster as a citizen by intermarriage of the Choctaw Nation.

William Franklin Foster, first duly sworn testified:

Examination by the Commission

Q What is your name? A William Franklin Foster.
Q How old are you? A Forty-six years old.
Q What is your post office address? A Womack, I.T.
Q You claim to be a citizen of the Choctaw Nation by virtue of an act of the Choctaw Nationa Council of November 5, 1888? A Yes, sir.
Q Was you married at the time of that act of admission? A Yes, sir
Q Who was you married to? A Mary Angeline Britton.
Q Was she admitted with you? A Yes, sir.
Q She was admitted as a white woman? A Yes, sir.
Q By reason of her amarriage to you? A Yes, sir.
Q Was there any children admitted with you? A Yes, sir.
Q What children were admitted? A John Allen, Robert, Maude and one child that is dead now.
Q Your wife Mary A., now living? A Yes, sir.
Q How many children have you living? A Eight.
Q What are their names and ages? A Allen, Robert.
Q The first ones name is John Allen? A Yes, sir.
Q How old? A Twenty-two.
Q The next one? A Robert E.
Q He living? A Yes, sir.
Q Living yet? A Yes, sir.
Q Next one? A Maude E.
Q She living with you? A Yes, sir.
Q Next one? A Claude Franklin.
Q Livin ? A Yes, sir.
Q Next? A Oliver.
Q Living? A Yes, sir.
Q Next one? A Martin Thomas.
Q Have you a child named Ida? A Ida Ohma came before that Claude.
Q Ida living? A Yes, sir.
Q Then the next one is Martin? A Yes, sir; then Claude Franklin.

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Q You got down to Ida; what is the child younger than Ida? A Martin Thomas.
Q Then the next one? A Clyde Franklin.
Q Now are all these children living? A Yes, sir.
Q They live with you? A Yes; eight children all living.
Q All living in the Chickasaw Nation? A Yes, sir.
Q Always have lived here? A Yes; only last year I livedin Norman to send the children to school; I am back here now on my farm. We had no school here that is why I w ant over there.
Q You were never married to Mary A. Britton in accordance with the tribal laws of either the Choctaw or Chickasaw Nation? A No, sir.
Q Have you lived with her continuously since the act of admission since '88? A Yes, sir.
Q There has been no separation, desertion or divorce? A No, sir; I have lived with her twenty-four years.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 16,1902, and that the above and foregoing i s a full, true and correct transcript of his stenographic notes in said cause on said date.

G Rosenwinkel

Subscribed and sworn to before me this 28 day of October 1902.

C S Hamm

Notary Public.

WF
566
7-5715.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary A. Foster as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant, Mary A. Foster, (nee Britton), claims rights as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to W. F. Foster, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15078 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 26, 1904.

It further appears from the record herein that the applicant, Mary A. Foster (as Mary Foster), with others, was admitted to citizenship in the Choctaw Nation as a citizen by intermarriage by an act of the General Council of said Nation approved November 5,1888, a certified copy of said act being filed with and made a part of the record in this case.

It further appears from the records of the Commission that on September 5, 1896 in the case entitled "Mary A. Foster vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 437) the applicant, Mary A. Foster, made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for admission to citizenship in the Choctaw Nation claiming her right thereto by virtue of her marriage with the said W. F. Foster and on December 2, 1896 the said Mary A. Foster was by this Commission denied admission to citizenship in the Choctaw Nation, from which decision of the Commission no appeal was taken.

Upon an examination of the tribal rolls in possession of the Commission the applicant is indentified upon the 1896 Choctaw Census Roll, Tobucksy County, number 14524 enrolled thereon as a citizen by intermarriage of said Nation.

It further appears from the record herein that the applicant and the said W. F. Foster lived together continuously in the Choctaw-Chickasaw country as husband and wife from the date of the

said admission of the applicant herein by the General Council of the Choctaw Nation in 1888 up to and including September 25, 1902.

It is the opinion of this Commission that, following the rule laid down in the case of Wiley Adams vs. Choctaw Nation (I.T.D. 4398-1903), the denial of the said Mary A. Foster under the act of Congress approved June 10, 1896 (29 Stat., 321) was without authority of law and of no force and effect upon the status of this applicant as a citizen by intermarriage of the Choctaw Nation; and also that Mary A. Foster should be enrolled as a citizen by intermarriage of said Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

JUL 19 1904

Choctaw 8715

COPY.

Muskogee, Indian Territory, July 19, 1904.

Mary A. Foster,

Wewoka, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 19, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Encl. V--8715.

Choctaw 5715

COPY.

Muskogee, Indian Territory, July 19, 1904.

C. L. Herbert,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 19, 1904, rendered its decision granting the application of Mary A/ Foster for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED)

T. B. Needles.

Registered. Commissioner in Charge.

Cherokee 9718

COPY.

Muskogee, Indian Territory, July 19, 1904.

J. C. Mails,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 19, 1904, rendered its decision, granting the application of Mary A. Foster for enrollment as a citizen by intermarriage of the Cherokee Nation.

The attorneys for the Cherokee and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Cherokee Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Cherokee Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Choctaw 5718.

COPY.

Muskogee, Indian Territory, July 19, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered July 19, 1904, granting the application of Mary A. Foster for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 7--5718.

GENERAL AFFIDAVIT.

Choctaw
~~State~~ of I. T., County of Coal, ss;

Wife of W. F. Fosters
In the matter of The Birth of a Child Mary F. Fosters To be Submited to The Hon Dawes Commissioner treating with the Indians. Tribes

Personally came before me, a Notary Public in and for aforesaid County and State, Mary L. E. Allen, aged 25 years and a married woman, aged years citizen of the town of Caddo (Post-Office address.) County of Coal, State of Choctaw Nation, I. T., well known to me to be reputable and entitled to credit, and who,

[redacted]

NOTE.—A blank must be filled before the oath is administered in each of the above cases.

[redacted]

a Nurse When Mrs. Mary A. Fosters wife W. F. Fosters was delivered of a female child at her home in The Choctaw Nation on a farm She was delivered by an Midwife named Mrs. Foster her Whereabouts not Known now The said child was afterwards named Edna D. Foster it now being some 2 yeas old and part Being born on the 10th day of November 1894. I was present and was acting in the capacity of Nurse When The Said Child was born to Mrs Mary A. Fosters

[redacted]

I further declare that I am no interest in said case, and am not concerned in its prosecution.

1 } Mary L. E. Allen
2 } Signature of Affiants.

NOTE.—In the execution of papers and evidence, whenever a person or witness signs by mark, (†,) two persons *who can write* must attest the signature by signing their names opposite.
The official before whom papers are executed is *not a competent witness to a mark*

Sworn to and subscribed before me this day by the above-named affiant ; and I certify that I read said affidavit to said affiant , and acquainted h with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that she is credible person and so reputed in the community in which she reside.

Witness my hand and official seal this 20 day of Jan' 1869

Sign here J. P. Stud

[redacted] thorised to administer oaths for gen[redacted] seal, certificate of Cler[redacted]y; if no seal is used, then such certific[redacted] you

☞ Write an affidavit just as you would write a letter, stating all the facts, circumst[redacted] can remember, and if of your own personal knowledge and observation, and state how you know what you say to be true.

[redacted]; and

said affidavit to said affiant , and acquainted her with its contents before her executed the same.

I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that she is credible person and so reputed in the community in which she reside.

Witness my hand and official seal this 20 day of Jan 1869

Sign here L. P. Stud
Notary Public

ADD SEAL HERE.

[redacted]

GENERAL AFFIDAVIT.

State of Choctaw Nation } County of Coal } ss:

(Wife of) In the matter of The Birth of a Child Mary A. Fosters
W. F. Fosters. To be Submitted To Hon Dawes
Commission treating with the Five Tribes

Personally came before me, a Notary Public in and for aforesaid County
and State Eugene B. Pound aged 26 years
and [redacted] aged [redacted] years

[redacted] Coal [redacted]

[redacted] relation to aforesaid [redacted]
am a [redacted] married woman have 3 children
[redacted] should state how they [redacted] whether of the facts to which they testify.

Was present when Mrs. Mary A. Fosters
was delivered of a female Child at
Her home on Choctaw Nation on a farm
She was delivered by one Mrs. Fuller
a midwifery her whereabouts not
known to me at the present time
the said Child was afterwards
named [redacted] Fosters it now
[redacted]
[redacted] the 10th
day of November 1896
I Was was present and was
acting in the capacity of a
Nurse when the said
Child was born to Mrs Mary A
Fosters

[redacted]

I further declare that I am no interest in said case, and do not concerned in its prosecution.

1 F. V. Lyon
2 John L. Henderson

her
Eugene X B. Pound
mark
Signature of Affiants.

NOTE.—In the execution of papers and evidence, whenever a person or witness signs by mark, (†,) two persons *who can write* must attest the signature by signing their names opposite.
The official before whom papers are executed is *not a competent witness to a mark*.

[redacted]

Choctaw Da20.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 11, 1903.

W. F. FOSTER, ET AL.,

VS.

CHOCTAW NATION.

Hearing had at the offices of the Commission, in Muskogee, I. T., at seven o'clock, P. M., September 11, 1903.

Present: Chairman Bixby, and Commissioners Needles, Breckinridge and Stanley.

Appearances.

For the Applicants, - - - - - - - - J. G. Ralls and R. Bond,

For the Choctaw Nation, - - - - - - Melven Cornish.

ORAL ARGUMENTS.

Mr. Ralls: May it please the Commission, in the discussion of this matter, I must say that I do not know exactly where I am at. As I understand the situation, the attorney for the Nation insists that under the provisions of Section 21, I believe of the Act of June 28, 1898, known as the Curtis Bill, this Commission has authority to review the former actions of the different Indian tribunals, and practically all actions of the Commission, in questions of citizenship.

Mr. Cornish: I think it is fair to the gentleman, in order that there may be no misapprehension as to what the contentions of the Choctaw Nation are, with reference to this particular case, to state just what the Commission has done in this case. I assume that, in instituting these particular proceedings, you are familiar with the conditions shown by the correspondence, and I repeat my statement that I think, in fairness to the

gentlemen it would be proper for me to state just what the Nation wishes to do in this case.

If the Commission please, these persons, the Campbells and the Fosters, whom these gentlemen represent, are applicants before this Commission for enrollment as citizens by blood of the Choctaw Nation, under and in pursuance of the general act of the Council of the Choctaw Nation, and the tribal enrollment in pursuance of that act. That application has been made before this Commission, is pending before this Commission, and the Commission is asked, under the Act of June 28, 1898, to enroll these persons as citizens of the Choctaw Nation in pursuance of the Act of the Choctaw Council, and in pursuance of the tribal enrollment based thereon.

In this opening statement, I do not care to review in detail the history of the Choctaw-Chickasaw Citizenship Court and its relation to this Commission. It is sufficient, in the opening statement, to say that there is now pending in the Choctaw-Chickasaw Citizenship Court a consolidated case, the title of which is, James A.McClellan, et al., vs. The Choctaw and Chickasaw Nations. These persons applied to the Commission to the Five Civilized Tribes under the act of June 28, 1898, an appeal was taken to the United States Court, and the case was transferred for a trial upon the law and the facts to the courts created by Sections 31 to 33 of the Act of Congress of July 1, 1902.

In that case, of James A. McClellan, et al., vs. the Choctawand Chickasaw Nations, which is now pending before the court for trial under the law and the facts, in that case the ancestry, family, relationship, blood, status and source of right of those claimants, in the James A. McClellan case, are exactly identical with the blood, family, relationship, status, ancestry and source of right of the Campbells and Forsters. They claim from the same ancestry, and under the same law and facts.

In view of the jurisdiction of the Choctaw-Chickasaw Citizenship Court over the parties, and the legislation with reference to the effect its decision shall have upon this Commission and upon the Secretary of the Interior in making up the citizenship rolls, we have asked the Commission to postpone final decision in the matter of the application of these persons until the Choctaw-Chickasaw Citizenship Court shall have finally decided the rights of persons havin identical status, under the jurisdiction conferred upon it by law. If the persons applicant in the case of James A. McClellan vs. the Choctaw Nation are entitled to admission to the Choctaw Nation, after a trial under and upon the law and the facts in the case therein pending, then these people are entitled. If, upon the other hand, the Choctaw-Chickasaw Citizenship Court, having considered the law and the facts, decides that those persons are not entitled to admission, and not entitled to share in the tribal property, and that is the issue coming before this Commission and the proceedings had in that court, we ask that they be persuasive with this Commission. We feel that if the Choctaw-Chickasaw Citizenship Court adjudicates the McClellans not to be citizens, under the law and the facts, then this Commission has ample power, under the Curtis Act, to decline the enrollment of these people, because they have identical ancestry, source of right, blood and status.

I will state further that the contention of the Choctaw and Chickasaw Nations is that by reason of the doctrine declared by the Choctaw-Chickasaw Citizenship Court in the Riddle case,

whatever binding force this Act of Council might have upon this Commission and the Honorable Secretary of the Interior under the Curtis Act, which these people might urge, is destroyed. Whatever binding and final force these people might urge in the Act of Council upon which they rely, is destroyed by the Choctaw-Chickasaw Citizenship Court in the Riddle case. And, at the proper time, that will be urged as leaving to these citizens the status of persons having only a tribal enrollment, bringing them clearly within the jurisdiction of the Commission to strike them from the rolls.

For this time, I repeat, our contention is that by reason of the identical status of these persons, and the relations existing between the court and this commission, this Commission should postpone a decision until the Choctaw-Chickasaw Citizenship Court finally adjudicates the rights of persons having identical status.

Mr. Ralls: In view of the statement made by the attorneys for the Choctaw Nation, there would be no conflict in a decision favorable to these applicants by the Commission, and a decision against the applicants in the Citizenship Court. The decision of the Citizenship Court known as the Test Case, was based upon legislation of the Congress of 1893 in session at that time, which the Chief Judge said in his opinion was for the purpose of allotting lands. This was the first legislation we had with a view to allotting the lands of the members of the tribes, the Choctaw and Chickasaw, and the other Civilized Tribes. He bases his contention upon the proposition that in view of the fact that the object of the legislation was to give each individual his land, it carried with it a property right. But in this case the Act of the Choctaw Council was passed in 1888, before there was anylaw providing for the allotment of lands, before the allotment of land was scarcely thought of. At that time, the property right, under the construction of the Citizenship Court, had gone with the fixing of the status of citizens by the Act of the Choctaw Council. The record in this case shows very fully the rights of these people, and the law presumes that the Court and this Commission will act according to the law, and that the law applied will be the law that should be applied in the case.

The reason for postponing this case for the decision in that case is not a bit stronger than it would be to move for a continuance in a court because there was a case pending of the same nature in another court. It might be that the Citizenship Court will concur with this Commission in questions of law, and it might not concur with the Commission, but if this Commission is to stop its work in these citizenship cases in all cases where questions involved in the case may be involved in cases pending in the Citizenship Court, you will have nothing further to do until that court has completed its labors, because, I dare say, there is not a question involved in that but what is involved in some other in this court. The contention of the Choctaw and Chickasaw Nations is entirely too broad. They do not do justice to the decision of that court.

I do not want to be understood as saying that I believe that the judgment of the Citizenship Court is correct at all, because I think it was rendered under a misapprehension of the law and the state of facts as they existed. The three Judges coming here, unfamiliar with the state of facts here, being here only a short time, and not being familiar with our laws, reached a conclusion that might be reached in the states,

involving property rights, and brought with them, perhaps, that idea they had of property rights, and applied it in this case.

The Commission, perhaps, is familiar with a great deal of the evidence, and the vidénce in this case shows that James Foster, the original ancestor, was a half breed Choctaw Indian and lived in the State of Mississippi at the time of the treaty of 1830, known as the Dancing Rabbit Creek Treaty. The record further shows that within the time prescribed by law, he went before the Indian Agent and applied to have his name placed on the list of those who expected to remain there and become citizens of the State, which was provided for in Article 14, I believe, of that treaty. If you will examine on page 132, Volume 7, of American State Papers, you will find Mr. Foster's name there, and you will find a brother of his, Hugh Foster, I think. Now the people claiming in this case are direct descendants of James Foster. In the McClellan case I do not remember whether they claim to be descended from James Foster or not, but it is my recollection they do not claim to have been admitted by the Act of the Choctaw Council. So there is another reason why there would be no conflict in the cases. As I have always looked at these various Acts of Congress in citizenship matters, I would want to say that I have been here all that time, and I have represented clients, and I have tried to keep up with the legislation as it was passed and as it was modified. In my judgment, and in the opinion of those who are associated with me, the fact that these people were admitted by the Choctaw Council, that act being unrepealed or modified, and especial lypassed in 1888, and no question of fraud being alleged or attempted to be proved, this Commission cannot go behind the act of the Choctaw Council.

Now it is my understanding that on the 21st day of May, 1903, the Secretary of the Interior approved a decision of this Commission that is weaker than the case we present. That is the case of Wyly Adams. Now, I do not undertake to say that I am familiar with the proceedings in that case, except that I know Wyly Adams, and I know that some of the facts stated are facts, as I know them personally. Wyly Adams, as the record shows, resided in the Choctaw Nation and married the widow of some Choctaw, I think, perhaps the woman he married was a Creek citizen. He applied to the Choctaw Council and was admitted to citizenship. That act stood unrepealed in 1896, when the Commission was first authorized to hear and determine cases of citizenship. He filed his application with the Commission under the provisions of the Act of June 10, 1896, and was by the Commission rejected. He failed to take an appeal as provided in the law, but after it was too late to appeal he appeared before the Commission and asked to be included. I have no personal knowledge of what took place before the Commission, but I gather from the record of the hearing, from the opinion of the Secretary of the Interior, and the Commissioner of Indian Affairs, that the Commission reached the conclusion that, inasmuch as he was admitted by the act of the Choctaw Council, the Commission had no jurisdiction, under the Act of June 10, 1896, to hear that claim, and that its judgment in denying him citizenship was void, because it exceeded the jurisdiction of the Commission.

Now, it has always been my understanding that the Act of June 10, 1896, authorizes the Commission, among other things, to hear and determine the application of persons who had either been denied by the various Indian tribunals, or whose cases had not been acted upon, but did not authorize the Commission to come in and hear and determine that one of those whose cases had been granted by the various Councils, or who had been placed upon

their rolls, could be stricken off. The Act itself provides that certain rolls are confirmed, certain rolls made by the Indians themselves.

Right there I want to state-- this will be somewhat disconnected, and I hope the Commission will pardon me for that, but prior to that time the court of the Federal Government and the Departments of the Government, recognized the exclusive right of the various Indian nations to decide questions of citizenship. The Federal Courts held, that the Choctaw Nation, so far as citizenship was concerned, was an independent government, and it was held that the Choctaw Nation could decide who were and who were not citizens of that nation. So it was with the Chickasaw Nation, the Cherokees, Creeks and Seminoles, and when the question came up as to whether or not a person was a member of one of those nations, if the act he presented showed an adoption, or admission, or recognition, whichever you please to call it, of the person in question, that was held to be conclusive, and the courts held that you could not go behind it, you could not prove fraud in procuring the act, you could not come in and determine the question as to whether the act should have been passed, or whether the person on the roll was what he claimed. They held, in other words, that the question was res judicata, and that it could not be attacked in a collateral manner. This question came up in the Western District of Arkansas, and I think, in the Federal Court in Wichita, Kansas, and all those courts held the same way. The Circuit Court of the United States followed that decision in the case of Roff vs. Burney. While that decision is a little bit scattering, still it expresses a view, having in mind the various other rulings, that is to us very clear. Now in that case, as you remember, there was a Mrs. Bourland, who was a widow woman, who had either been adopted herself or her parents had been adopted by the Chickasaw Legislature. A man by the name of Roff married either her or her child, and he claimed as an intermarried citizen by virtue of the marriage. After he had married her the Chickasaw Council repealed the act that had admitted the Bourlands to citizenship. The Indian courts refused to recognize the act of Council, and an appeal was taken to the Federal Court. The question then came up as to whether the man Roff was a citizen of the Chickasaw Nation, and it was held that he had lost his rights as a member of the Chickasaw Nation, that the Federal Courts had jurisdiction and that the judgment should be reversed. The Circuit Court, in passing upon the case, said that no doubt that by his marriage to this person he had been adopted and acquired the rights of a member of the nation by marriage, but it was certain that the power that granted the act and granted the privilege, could take it away, and that the act of the Chickasaw Legislature in repealing the act granting citizenship, had destroyed whatever privilege he had acquired by it. Now the act admitting these people was not concurred in by the Choctaw Council, neither was the act repealing the act concurred in by the Choctaw Council.

Chairman Bixby: Did they say anything about property rights?

Mr. Ralls: They said that in passing upon that they didn't need to decide what effect that would have upon the treaty rights. At the time that act was passed property rights were not involved. Now it does not follow that because a man may have a privilege that he may convert it into a property right, without having his status fixed as a member of the Nation, because if your read your judgments of 1896, and the act of the

Chickasaw Council and the judgments of the Court, there is not one of them that undertakes to confer an acre of land or a cent of money. It only fixes the status. The act fixing the status of the Bourlands was before there was any legislation for an allotment of lands. So is the act of the Choctaw Council fixing the status of these people before there was any act of the Government of the United States looking to the allotment of lands. So, I say, you take this particular case and it cannot be in conflict with the decision of the Citizenship Court, let that be what it may. These people, as the record shows, have been carried on the Choctaw rolls ever since they were admitted in 1888. Their names are on what is known as the Leased District roll that was compiled in the latter part of 1892, finished in 1893, and the Leased District money which was paid to the Choctaws by blood only, and to the Chickasaws by blood and marriage, was paid in August, I believe, of 1893, and these people received their part of it. No question was made about their rights in 1896. Each tribe of Indians, the Choctaw and Chickasaw provided for a Commission to prepare rolls of their nations. The Choctaws appointed Commissioners and they have prepared a roll called the Choctaw Census Roll of 1896. The Chickasaws did the same, but with the Chickasaw roll I have no occasion to deal in this particular case. Now the Census roll of the Choctaw Nation made in 1896, as I understand it, is in the possession of this Commission, and you will find on that roll the names of these applicants. Those who claim by blood are on there as members by blood, and those who claim by marriage are on there as members by marriage, except that some of these people have been born since the roll was made, and of course, under the law, the descendants of those on that roll will be placed thereon also.

Now the Secretary of the Interior, in dealing with this matter, and this was after the judgment of the Citizenship Court, and I presume the Secretary of the Interior was familiar with the judgment of that court, I presume he had a copy and I presume this Commission had a copy, I presume a copy of that decree was here when the Commission rendered its decision in the case, and that there is nothing now beyond what was considered, I presume, at the time. Now, Mr. Ryan, speaking as Acting Secretary of the Interior, says:

"A special act of the Nation's Council is no less a law of the tribe than a general one. It has been one of the well known usages and customs of the several Indian tribes to adopt persons of other races. Naturalization by one nation of persons of other races or nations is so general as to be almost a universal practice. The act of June 10, 1896, supra, conferred upon the Commission no power to strike from the rolls persons borne thereon by the act and with the full consent of the tribe. The action of your Commission is therefore approved."

I have set before you the facts, and it does seem to me that in view of the facts this case should be decided. I am not advised that a motion has been granted for a rehearing, and I make this statement on the presumption that this has become final. I say, in view of this, it does seem to me that there can be no room for delaying the final settlement of the claims of these people. We are not here claiming as new claimants, but as the court states, we are part of the rolls recognized by the Choctaws and made by the Choctaws, by their representatives who were under the law authorized to do it, authorized by their own law, and authorized by the law of the United States. The act of June 10, 1896, recognized the rolls.

Now, it is important to know that on account of some claims made (I am not familiar with them), the act of June 7, 1897, was passed which provided for another construction to be placed upon the rolls of citizenship, and also provides the manner and means

whereby names placed thereon without authority of law or by fraud, might be eliminated. That act was passed after the Commission had rendered its judgments under the act of June 10, 1896, and was also passed after the Choctaws and Chickasaws had already compiled the rolls known as the 1896 census rolls. It is to be presumed, of course, that Congress knew of the rolls that had been prepared by the Nations. As a matter of fact they did know it. I think perhaps the Commission had been advised of the rolls, or perhaps had been furnished with the original rolls, or a copy of the rolls, when this act of June 7, 1897, was passed I read that part of the act of June 7, 1897, that has a bearing on this case, which is contained in a proviso and reads as follows:

"Provided, That the words 'rolls of citizenship', as used in the act of June tenth, eighteen hundred and ninety-six, making appropriation for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council or such nation, the duly authorized courts thereof, or the Commission under the act of June tenth, eighteen hundred and ninety-six."

Now that roll was confirmed and here is the proviso:

"And all other names appearing upon such rolls shall be open to investigation by such Commission for a period of six months after the passage of this act. And any name appearing on such rolls and not confirmed by the act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such Commission where the party affected shall have ten days' previous notice that said Commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation; Provided also, That anyone whose name shall be stricken from the roll by such Commission shall have the right to appeal, as provided in the act of June tenth, eighteen hundred and ninety-six."

Now the only names that may be eliminated up to this time, are those mentioned here," And all other names appearing upon such rolls shall be open to investigation by said Commission for a period of six months."

Chairman Bixby: Did you intend to state that the 1896 rolls were approved or confirmed by Council?

Mr. Ralls: No, not by Council. I mean to state this, that this roll was approved by act of Congress of June 7, 1897, in the provision which I have offered here.

Mr. Cornish: You contend that is the law that governed the Commission at that time?

Mr. Ralls: That is part of it.

Mr. Cornish: You contend that that law is not repealed by the provision of the Curtis Act?

Mr. Ralls: Certainly I do. Now in order that I may not be misunderstood as to why I say the roll of 1896 was approved, if you will pardon me, I will read that part of this act and then call your attention to the particular part where I say it has been approved.

"Provided, That the words 'rolls of citizenship', as used in the act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe." Now if there was an authenticated roll it means that. "And the descendants of those appearing on such rolls." And now here is the other: "and such additional names and their descendants as have been subsequently added thereto by the council of said nations, the duly authorized courts thereof, or the Commission, under the act of June tenth, eighteen hundred and ninety-six."

Now it is only fair to state that when the act of June 10, 1896, had been passed, the Choctaw Council had one roll approved, that was the Leased District Roll, which contained only Indians by blood. When this act was passed they had made the roll of 1896, and had added thereto the names of those persons found in your possession on the large book known as the Choctaw Census roll, and that is the roll intended to be confirmed and was confirmed by this act.

Now, passing from that to the act of July 1, 1898, it simply gave the right to appeal to the Supreme Court, and the Supreme Court passed upon the constitutional questions, which did not affect it. It held that the various acts conferring jurisdiction on the Commission were constitutional, that the proceedings were constitutional, that Congress had the right to pass the acts in manner and form as it had done.

Now passing rapidly to the act of June 28, 1898, which is found in what is known as the Curtis Bill, in section twenty-one, that act provides that this Commission shall eliminate from the rolls the names of persons who are placed thereon by fraud or without authority of law, and, as I understand it, the attorneys for the nation content that this means that you may go back of everything that has been affirmed by Congress, and everything that has been done here, whether or not the name was put on the roll through fraud or without authority of law. To some people that might appear true, and if we should forget what little legal training we have we might reach that conclusion, but there are rules of construction that are pesumed, that, if we apply, we see readily that the contention of the nation cannot be true, because it would destroy the very object of all the legislation and would destroy the work of this Commission that has been going on this two years.

Now my idea is this, that Congress started in to wind this thing up. There was complaint made there that injustice was being done in citizenship cases. Taking that as true, Congress passed that act of June 10, 1896, which provided that the Commission might determine the applications of these persons who were complaining, that is, those who could not get their cases acted upon and those who had been denied. Then when the questions came up, after the work had been done, after the nations had made their rolls, it was then discovered that names were on the rolls that should not be there, and then it was that the act of June 7, 1897, authorized the Commission to proceed to eliminate those names and provided how they should do it. They should do it within six months, first giving ten days notice so that the party affected might be heard, and gave such parties as were stricken off the right to appeal to the court, as previously in the act of June 10, 1896. The law presumes those persons eliminated from the roll were there without authority of law, because officials

are presumed to do their duty under the law, and it does not make any difference because of lack of time, the presumption remains the same. After that, time passed on. Other names got on the rolls and it was charged that the Advisory Board came down there and put a lot of names on the roll. When the Curtis Bill was passed it was provided that the Commission could eliminate such names as had been put there by fraud or without authority of law.

Now, as I stated, if we overlook the rules of construction we might say here that covers all of it, but going back we find that this legislation in regard to citizenship is a series of legislation, and while it occurred at different times and at different sessions of Congress, yet the whole system looked only to making the rolls of the tribes and the final allotment of the lands, and therefore the rule od construction is that you construe the legislation as part of the whole system, the same as if it had been passed at one and the same time, unless there should be a specific provision there repealing former acts. There is not a single provision that repeals any part of the former acts, except in that act of June 7, 1897, which provides for a different rule of construction to be placed on the act of June 10, 1896.

If you will pardon me I will read what I have copied from Sutherland on Statutory Construction, section 287. It is in the following language:

"The legislature are presumed to know existing statutes, and the state of the law, relating to the subjects with which they deal. Hence that they would expressly abrogate any prior statutes which are intended to be repealed by new legislation. Where there is no express repeal none is deemed to be intended, unless there is such an inconsistency as precludes this assumption; then it yields only to the extent of the conflict. Regards must be had to all the parts of a statute, and to the other concurrent legislation in pari materia; and the whole should, if possible, be made to harmonize; and if the sense be doubtful, such construction should be given, if it can be, as will not conflict with the general principles of law, which it may be assumed the legislature would not intend to disregard or change."

Following that in section 288, Mr. Sutherland uses the following language:

"Where enactments separately made are read in pari materia, they are treated as having formed in the minds of the enacting body parts of a connected whole, though considered by such body at different dates, and under distinct and varied aspects of the common subject. Such a principle is in harmony with the actual practice of legislative bodies, and is essential to give unity to the laws, and connect them in a symmetrical system. Such statutes are taken together and construed as one system, and the object is to carry into effect the intention. It is to be inferred that a code of statutes relating to one subject was governed by one spirit and policy, and was intended to be consistent and harmonious in its several parts and provisions. For the purpose of learning the intention, all statutes relating to the same subject are to be compared, and so far as still in force brought into harmony, if possible, by interpretation, thought they may not refer to each other, even after some of them have expiredor been repealed. An amendatory act and the act amended are to be construed as one statute, and no portion of either is to be held inoperative if it can be sustained without wresting words from their appropriate meaning. Where a statute is made in addition to another statute on the same subject, without repealing any part of it, the provisions of both must be construed together."

Now that is the rule of construction. I said that if we remember that, we could not sustain the contention of the attorneys for the nation, because it occurs to us at once that the rule of construction would be this: That the act of June 10, 1896, intended to finally decide questions of citizenship, that the rolls of the nation therein confirmed should be conclusive evidence of the rights of those who are on those rolls of citizenship; that the judgments of the Commission should be conclusive evidence of the rights of those persons; that the judgments of the Indian tribunals, proceeding under the provision of the act, where no appeal was taken, should be conclusive evidence of the rights of the persons admitted; and that on appeal from the Indian tribunals or from the Commission, the decisions of the courts should be conclusive evidence of the rights of those persons.

Now as to those who appeal to the courts, as has been said, there has come up a question, but at the time the act was passed the rule of construction was the same. It was not intended at that time that no further question should be raised in regard to the rights of those admitted by the court on appeal from the Commission. Then we come along and construe the act of 1897 in connection with the former act, under the rule of construction laid down, then we would say that there is a different construction placed upon the rolls of those persons who claim citizenship but the rolls as herein approved are conclusive of the rights of the persons who claim, and whose names are on those rolls. Those who were admitted by the Commission are also therein approved, it may be, but now there is open for investigation the names of all other persons and we will investigate them in this way. Mark you, the language says the names of all other persons shall be open to investigation, not the names of those who had been approved. You may proceed to strike John Jones off if he has been placed there by fraud or without authority of law, and does not come within the defination of the rules you have heard. You give him ten days notice, you do it within six months, and if you strike him off he appeals to the court and the judgment of the court would then be conclusive. Now if you let the time go by, after six months has elapsed the authority of the Commission to take steps to eliminate the names of persons on that roll has expired, and it could no longer act under the provisions of that act. Congress comes with the provision of June 28, 1898. We have provided for all these things. All the names have been eliminated that should have been eliminated, but other names have come on on account of the lapse of time. We will now provide a remedy whereby the Commission may act on those names. The manner of the procedure was not described, because the act does not repeal any former act, and the former procedure was to give a man a chance to be heard after giving him a right to appeal. In the act of June 28, 1898, they did not give the right of appeal from the action of the Commission, because they did not intend that the Commission should go back and undo all that had been done by them, sitting as a court. They did not intend to have that kind of investigation. They knew they had passed these acts They were familiar with them. They knew the rolls had been approved, and they were dealing with the names that had been added after the passage of the act of June 7, 1897. Now following this rule of construction, then one fits right in with the other, each act stands but no part is in conflict with the other, and there is a remedy provided for the Commission to investigate each name at the various stages as they appear.

Now there is the act of May 31, 1900, that I think cuts no figure in this case, although it is referred to in the Supplemental Agreement.

I want to mention here another matter. In 1897, in April I think it was, the United States representatives made an agreement with the Choctaw and Chickasaw Nations. They sat here together; they wrote the agreement. It went along until 1898 and Congress passed the act, and in section twenty-nine of that act included the agreement with some modifications and it was submitted to the Choctaws and Chickasaws, and by popular vote that was ratified either on the 30th or 31st day of August, 1898, I think perhaps it was the 31st, on the morning of the 31st, perhaps. In that the question came up as to who might vote upon the ratification of that treaty. It was improtant to know that those voting had a right to vote. The Choctaws and Chickasaws knew that these rolls had been made and they agreed in that agreement that all these persons should vote whose rights were not being questioned, either in original or appellate proceedings in the Federal Courts. By that they agreed that these people should vote, because they had not then been questioned.

Mr. Cornish: They are pmitted to vote and hold office in the Choctaw Nation, and they have their farms there. The court claimants you mean.

Mr. Ralls: I am not dealing with court claimants. We will have that at South McAlester. The attorneys for the Nation are contending that the people recognized these people as --

Chairman Bixby: That is not material.

Mr. Ralls: I took this position some years ago in some little things in the Federal Court, in which the Commission going behind the record in 1896 --- -------- Keys had married a white woman. The record shows that he had married this woman prior to 1896. It was said that under the act of June 28, 1898, the Commission had a right to go behind all questions. The court held that they had no right to go behind those questions. The Attorney General about that time had rendered an opinion, and he said that the act of June 28, 1898, did not authorize the Commission to go behind these things, it only authorized the Secretary of the Interior to see that those admitted were placed on the roll, and those rejected were kept off. He said that was the extent so far as that act touched upon the cases that had been decided. In this decision in the Adams case, I take it for granted, the Secretary had in view the ruling of the Assistant Attorney General, when he decided that the decision of the Commission admitting Mr. Adams was correct, because the Commission had no authority to go behind the act of the Choctaw Council, which, when passed, was equally as binding as the act of the Commission, because at that time the Choctaw Council had the sole and exclusive authority to say who were their citizens, and by that all persons were bound.

Now, from the decisions I see that part of those people have been placed on the rolls, and approved by the Secretary of the Interior. It is presumed that he knew the statutes referred to in the case, and that when he approved these people he knew that they were entitled to be on the roll. But, as I understand it, Mrs. Paddock, I forget her first name, and her family have been placed on the roll and have filed upon their allotments. There is Mrs. Huggins, as I understand it, who is also a descendant of James Foster, placed on the roll and I think perhaps has drawn her allotment. That has become final. These other people are in exactly the same attitude; they all base their rights upon the same proposition.

Now in this particular case there is a Mary A. Foster, who is in the same condition that Wyly Adams was in, and, briefly, I

desire to call the Commission's attention to her case. She applied in 1896 to be admitted as a Choctaw citizen; her application was denied and she filed an appeal. Her name is on the Choctaw census roll. Under the ruling in the Adams case there can be no question but that this woman is entitled to be enrolled as an intermarried citizen, for the reason that the woman, not having been admitted by the Choctaw Council was a person whose rights had been denied or not acted upon. She was a person whose rights had been refused, and therefore the Commission had entire jurisdiction to hear and determine the subject matter of her case.

Now, there is another case here, that is Mrs. Jones and children. The evidence in this case shows that she is the daughter of one of these applicants, and has had bad health for some time. That on account of her health she has been a great deal of the time in the Territory of New Mexico. She has maintained her home in the Territory, and returns here when her health will permit. Now in a Cherokee case, I don't remember what the case is, the Commission is familiar with it, the Department, as I understand it, holds that that does not forfeit citizenship, and I see reason why it should be so held. As I understand it, the Commission has held that all persons who could be enrolled were those who were actually here on the 28th of June, 1898. The act does not state it that way. The act states, those who have not heretofore removed to and settled in good faith. Now if a person had removed here and settled in good faith or had been born here, that would not be in the provision of the act, because the act does not state that he should be here on that day, and I suppose that is the position the Department took. In making my proof in a case I had up there I took that position. The Rowe case was ordered back and the Commission ordered to enroll Her. Her father lived here and is on the approved roll. Now this Mrs. Jones is in the same attitude and, of course, it will necessarily follow the decision in this case, as I look at it. It has been intimated by the Commission, and held straight out in the Rowe case, and since then I have kept up with the holding that they must have been here at the time I have mentioned. I presume, of course, the Commission will be glad to adopt the view taken by the Secretary of the Interior when that will do justice. These people might have been away when the act was passed, two or three years, but either the Secretary of the Interior or the assistant Attorney General says in his opinion, it is important to note that the constitution does not contain any case either of forfeiture or expatriation, I don't remember which, simply saying that there is nothing in the laws of the Choctaw and Chickasaw Nations that forfeits a man's citizenship by his going out of the nation.

I have taken more time than I have intended, but Mr. Cornish was kind enough to make an opening statement, and I want to reserve a little time to make a short reply to what Mr. Cornish might say. What I have stated here was not to get up a controversy with Mr. Cornish. I wasn't thinking about saying that the attorneys were not authorized, because I know from this record that they have been representing these people for the last five years. We have been trying to get a settlement of the case and they have been fighting us hard.

Commissioner Stanley: In the legislation of 1896 and 1897 wasn't it originally provided that the Commission should have due regard for the tribal rolls? I am just quoting the subject matter. Didn't it have reference to all rolls made up preceding that time?

Mr. Ralls: In my judgment it had reference to the rolls made mention of in those acts.

Commissioner Stanley: Didn't it also in that same act contain a proviso that names might be stricken from such rolls when their enrollment had been procured by fraud or without authority of law?

Mr. Ralls: I don't remember the exact wording, but it was something near that.

Chairman Bixby: It is section twenty-one.

Commissioner Stanley: If that reached back to all the rolls, if that applied to the rolls made up by the Council, that you might strike from such rolls any names whose enrollment had been made by fraud or without authority of law, that might include any names.

Mr. Ralls: With certain limitations. That this limitation might apply to the whole roll, but not to the particular names and as he belonged to it as a whole, and while the judgment was entered by the Commission admitting, he was part of the roll. The Commission in making up the final roll has nothing to do but clerical work, and that is to transfer the names on the roll you were making up. Now, with that limitation I think that would be true.

Mr. Cornish: If the Commission please, I confess that at this sitting I am not inclined, speaking for myself, to inflict upon the Commission a long argument upon all these provisions of law, and upon the conditions that lead to these various acts of Congress, because I expect to inflict upon the Commission a lengthy argument at a later date.

Now I shall content myself with stating again briefly what we ask the Commission to do in this case, and unless there is some suggestion from the Commission that I shall cover the entire ground, I shall not do so but content myself with a brief statement. We have filed a letter requesting a general request before the Commission to postpone final hearing in the matter of the enrollment of all persons who are claimants before this Commission under the act of June 28, 1898, persons having an identical status with those before the Choctaw and Chickasaw Citizenship Court at that time, for the trial of their rights under and upon the law and the facts. The record shows and the facts are, and there will be no controversy I suppose, that the Campbells and Fosters claim to be Fourteenth Article Mississippi Choctaws, claiming under James Foster, and that the claimants in the James A. McClellan case claim from the same person. There is no controversy on that, Mr. Ralls?

Mr. Ralls: All claim from James Foster. They have the same ancestor and the same blood.

Mr. Cornish: Same source of right and same status?

Mr. Ralls: Except that McClellan is not on the Choctaw roll.

Mr. Cornish: Now the James A. McClellan case is on trial and the testimony on behalf of the plaintiff has been closed, and a date will be fixed for closing the case. Thereafter the court will render its final judgment deciding this case, as to whether or not this James A. Foster was a Fourteenth Article Mississippi Choctaw. Now if the Choctaw-Chickasaw Citizenship Court renders its final decision upon the law and the facts, and decides that the claimants in the James A. McClellan case are such Choctaw Indians

as are entitled to be enrolled and entitled to receive allotments, then these people are entitled. If the Choctaw-Chickasaw citizenship court decides judicially, within its jurisdiction, that the claimants in the McClellan case are not entitled to enrollment, and not entitled to receive allotments in the Choctaw-Chickasaw country, then these persons are not entitled.

Now the question arises, and it is perhaps necessary to be brief, as to why we are making the Commission to await its action to the action of the Choctaw-Chickasaw Citizenship Court. The purpose of the Government of the United States in the disposition of these citizenship matters is to arrive at an end which shall be harmonious and just. That is the purpose of the United States Government in the aggregate. This Commission is one of the arms or branches of the Government of the United States. This Commission is one of the tribunals, an arm, of the Government of the United States, for the accomplishment of one branch of the work, and the courts are another branch of the same Government, looking toward the same end. The court and this Commission are branches of the same Government, the Government of the United States. The Choctaw-Chickasaw Citizenship Court was created for the sole and specific purpose of aiding this Commission and the Honorable Secretary of the Interior out of the different questions in which it found itself involved as a result of the conflicting and inconsistent positions existing in the decisions of the tribunals that had to do with citizenship matters before this, receiving its jurisdiction under the Curtis Act. The Commission acted under the act of June 10, 1896. Those matters went to the United States courts for the Central District of Indian Territory, and the United States court for the Southern District of Indian Territory, and the decision of the United States Court for the Central District was at variance with the judgments of this Commission under the Act of June 10, 1896, and the decisions of the Court for the Southern District were at variance with the decisions of the judge for the Central District, and the decisions of both judges were at variance with the decisions of this Commission, under the act of June 10, 1896. Those cases, were , under the act of July 1, 1898, appealed to the Supreme Court of the United States, upon the question of the validity of the act of June 10, 1896, and a decision was rendered there which was in conflict with the other decisions. After all that had been done, and after the conflicts and inconsistencies had been brought out by the tribunals crossing each other, this Commissin was vested the the jurisdiction which it now enjoys, and told by the Government of the United States to go to that mass of crude material, take from it that which was good, and throw out the bad, making up a citizenship roll accordingly. This was the task confronting this Commission. The inconsistencies and absurdities which I have just referred to confronted this Commission to that extent that the obstacles were absolutely insurmountable. And what did Congress do. This matter stood thus for three years. Congress in its wisdom saw the situation, and created the Choctaw-Chickasaw Citizenship Court here for the purpose of untying the knot, for the purpose of extricating this Commission from its difficulties, and gave it jurisdiction to pass upon these questions. I think it is entirely reasonable that Congress expected, having created the Choctaw-Chickasaw Citizenship Court under these conditions, that the Commission to the Five Civilized Tribes and the Honorable Secretary of the Interior, in pursuance of the jurisdiction vested in them by the Curtis Act to make up the final citizenship rolls, should, where

they encounter difficulties, avail themselves of the final decision of the Choctaw-Chickasaw Citizenship Court.

Now the Secretary of the Interior stated that to the Commission -- the Commission is familiar with that, of course, in what is known as the Matt Davis case, which is not before the Choctaw-Chickasaw Citizenship Court, but before this Commission. In pursuance of its jurisdiction under those acts, the Department acknowledged receipt of a report of July 2d, 1903, in regard to the Choctaw enrollment case of Matt Davis for himself, wife and children. It appears that in 1878 he married a white woman in accordance with Choctaw laws, and that they lived together until her death in 1880. The Indian Office, referring to the case of Robinson vs. the Choctaw Nation, Eighth Annual Report, quoted from the decision in the Robinson case, and rendered a report advising that the Commission be directed to dispose of the case in accordance therewith. The Commission rendered a further report, contending that it had jurisdiction to determine the rights of the complainant in the case of Robinson vs. the Choctaw Nation.

Mr. Ralls: What Robinson.

Mr. Cornish: F. R. Robinson, I believe. It is the case decided by Judge Clayton. That case determined the rights of the plaintiff in the case of Robinson vs. the Choctaw Nation, and the rights of all other persons claiming under similar decisions of the United States Court, and as, necessarily, the Department's action in the present case would depend to a great extent upon the action of that court in such case, it was considered advisable to remand the case, to be decided by you in due time. That is a statement of the doctrine.

Mr. Ralls: What is the date of that letter?

Mr. Cornish: October 28, 1902. Now, if the Commission please, that is about all I have to suggest, unless the Commission cares to go further into the matter. Of course, as the matter stands now, there is a request before the Commission that in view of the conditons and circumstances, and the relation between this case and the other case, we ask the Commission to postpone final action, whether for or against these persons, until persons having an identical status have been passed on. The testimony on behalf of the applicants has been closed, and the testimony on behalf of the Nation will be taken in a short while. As suggested by the Secretary of the Interior, I will state that since the writing of that letter, and since the announcement of that doctrine by the court, the court has rendered a decision, in which the doctrine is therein announced, as clearly as language can make it, that the adjudication of the rights of a citizen by one tribunal, without the co-operation of the other nation, is absolutely void. Then at the proper time, after the McClellan case has been passed on, and it is found that they are not entitled to admission, then we shall come before this Commission, with the proceedings in that case, and with the decision of the Choctaw-Chickasaw Citizenship Court in the Riddle case, and ask that this Commission exercise its jurisdiction under the Curtis Act, and strike their names from the rolls, placed thereon by fraud and without authority of law. By fraud, because if it is judicially determined by the Choctaw-Chickasaw Citizenship Court that one state of facts existed, and these persons represented to the Council, as a

means of procuring the passage of the act of admission, that another state of facts existed, that is fraud as clearly as the law books ever defined it. In order to procure the passage of this act of Council, these persons went before the Council of the Choctaw Nation, and convinced the Council that they were descendants of that particular James Foster whose name appears upon Ward's Register of Fourteenth Article Choctaw Indians. That is what they represented to the Council, and upon that statement of facts they procured the passage of that act. If, now, we are able to show that another state of facts existed, that they are not descendants of that particular James Foster, or that the James Foster who is their ancestor was not a Fourteenth Article Choctaw Indian, that will be a state of facts entirely different from that which these people represented as being the state of facts, and thatis fraud as defined by the law books. We shall also contend that the names of these people were placed upon the tribal rolls without authority of law, for the reason that the court has declared that the Choctaw Council had no power to pass an act without the co-operation of the Chickasaws, to the extent of affecting the tribal property.

Now without more time I do not believe I can make myself clearer. That, I think, is sufficient. The Commission, as I understand, has said that the enrollment of these persons will be postponed until the decision of that case, and we think the facts and circumstances of record in the case are sufficient to warrant the Commission in not reversing the action heretofore had.

Commissioner Stanley: If we hold these cases, will you ask us --- (Could not hear).

Mr. Cornish: Not exactly. We shall ask the Commission, if the decision of the court should be adverse to the McClellans we shall come before you with the decision of the court upon the facts, in support of our contention that these people were enrolled by fraud upon that roll, with the understanding that the court has passed on one state of facts as existing, when they urge another state of facts. Then we will come before this Commission and ask that they adopt the decision laid down in the Riddle case.

Commissioner Stanley: Supposing the court will admit these persons, then there is no further contention?

Mr. Cornish: We expect to try this case thoroughly before the Choctaw court. These people need not be uneasy, they are in possession of their lands, they are enjoying all their rights, they are enjoying the benefits the same as if they were finally enrolled. They occupy the same status as they would occupy if the Commission should proceed notwithstanding our objections.

I will be most happy to answer any inquiry which the Commission may ask. I have a further argument on all these propositions, but I have not gone into it. I think I am able to demonstrate to the entire satisfaction of the Commission that our position is correct, but if there is any query or question I would be pleased to answer it.

Mr. Ralls: I shall reply briefly to whathas been said by Mr. Cornish. I beg pardon for calling attention to the difference between the cases. Sometimes we want a thing to be known

so well we can't help but repeat it. The difference between the McClellan case and this is, that the McClellans were never on the roll, they were never admitted by Council, they were never recognized by the Choctaw authorities, they are not to be found on any of those rolls approved, were ever treated as members of the Nation. When I say that, it does not mean they were not entitled to rights at all, but it may depend upon where they resided. They may not have lived here, but that is one of the questions may arise in the McClellan case, the burden of proof is on the applicants. They have got to show their rights. They cannot say they were ever recognized by an act of the Choctaw Council, which would be prima facie evidence. They must take chances on showing that they are descendants of James Foster. The witness to show that may die before then, and they may fail in their rpoof, and they may not be able to establish by burden of proof that they are descendants of that man. If they do not show it, of course they fail. If they are not residents here it is probable they would fail anyway, although they are connected with this family. That is what they have to show. We admit the fact that they are related to this family, but it will never be admitted by the Choctaw people that they are descendants of the same James Foster.

Mr. Cornish: It will be admitted now, and has always been admitted, that the McClellans are descendants from the same man, whoever he may be, that these people are.

Mr. Ralls: Now you try this case, take the line of argument you have, to eliminate any name you may desire from the rolls, the burden is on the nation to eliminate those names, because they have been formerly admitted. They are not, however, depending upon the act of the Choctaw Council alone, but there was the commission that had tried to make a roll of the Choctaws. It was authorized to do it by an act of Congress. A commission was appointed, you know the commissioners, and you know the act of Council that authorized them to make it, and they placed these same people on that roll. That is not all. In 1893 they placed them on the Leased District Roll. Now the McClellans have nothing of that kind. So they might fail absolutely. Still, Mr. Cornish will never be able to show by a witness, and he has had four years to do it, by a living witness, that there is fraud in placing these names on that roll by act of Council. It was first charged that the act of Council was procured by fraud, but there is some testimony taken which shows conclusively that there was no fraud there. These people are in the same attitude of this man Wyly Adams, except that he was rejected. This decision in the Wyly Adams case was under the letter written by the Secretary in regard to the Robinson case. The question there was as to whether or not a white person who had never been admitted, never been carried on the roll, could be by this Commission placed on the roll, though they had never been recognized. An entire class has been recognized by the nations and by the government, except by the judgment of that court, and as to that particular class of people you held it open, but now in a case where a person has been admitted we put him on the roll. That constitutes exactly the same question that must be determined by the Commission now. You do not determine primarily whether these people are Indians or not, you take the roll and see whether they are there, you see whether they are living, and the identical persons, then if any question of fraud is made, you see if fraud was used in making the roll, and if not, that is the end of it. The roll

is taken as prima facie evidence of the right of the people who were there. It would take some evidence to remove it. And so in this case. This case shows all the way through that they are there rightfully, and that a righteous judgment could never reject them.

I want to read that part of the Curtis bill mentioned a moment ago, part of Section twenty-one. There is a provision there in regard to the making of the Cherokee rolls that gives the Commission broader latitude than it does in regard to making the other rolls, and it also defines the rolls of the Cherokee Nation. It reads as follows:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress."

"It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six."

Here are the general provisions:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, elimination from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

You will notice that the provision has not been changed. It leaves that untouched in the Choctaw questions. And a proper construction there is that you read that in connection with the other --

Chairman Bixby: What did Congress mean by saying a correct roll?

Mr. Ralls: That it should take those on the rolls as approved by Congress, including those admitted under the various provisions, and then it should take the names of others that, under the provisions of law, were entitled to be added, and if these tribes had added names that should not have been added, they should be stricken out; and they did not intend to authorize the Commission to go back and strike off names that were there at the time these particular provisions were passed, because a remedy had been provided for them.

It provides further that, "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."That is broader than the construction, I think, taken by the Commission.

The original brief I have read here in part is one that was used three or four years ago in the proceedings in court. The view I now take as to this matter, asto the proper construction, was taken by the courts. We have prepared here a short brief that we expect to leave with the Commission, for the information of the Commission, if it will be any information. And in reply to the suggestion of Mr. Cornish that these people need not be uneasy, that they are being recognized and enjoy

the rights of citizens, that is nothing now to us. These cases have been set, I think this is about the sixth time, at Ardmore, at South McAlester, and I think this is the third time at Muskogee. Now in all this time not a word of evidence has been offered by the Nation tending to prove that these people were not placed upon the rolls according to the laws of the nation, not one word tending to prove that they were placed there by fraud by the Choctaw Commissioners, not one word. Now, you know this, that people are scrambling for their allotments. A great many contests are occurring even when peoples' names are approved, but when a man's case is held up so long, people begin to talk about it, and I have had letters from my clients about it. They will think they are all going to be knocked out, and when that is the case you may as well dispose of your claims. Now it is well known, too, that there is a certain class of people, induced by a certain class of other people, that will go and file onmtheir claims. They will swear that the improvements belong to them. I know of cases pending like that. They go right to where a man's home is, and file on his home, his barn, his dwelling house, his well, orchard, and the whole farm that he has got, and swear that it all belongs to him, and when the man comes in he finds that his farm has been filed on. If the case is being held up, they select that class of cases. I notice that in that class of cases, in court cases, a great many full blood Indians are induced to file on those kind of places, and swear that the place belongs to them. If a man has any desire to make a living in this world, and secure a judicious allotment, he wants to know that there is no doubt about it. While I feel practically certain as to the result, on account of other decisions, yet there is that that bothers us like it would you if you were in our place. The people will say, My lawyers say I am all right, but I am not all right, because I haven't got the decision. My lawyers don't know what they are talking about. They are mistaken in that thing, because if there is no trouble, surely we wouldn't be held up four or five years.

Now all that has been done without any evidence against us at all, and it is not contended that if the citizenship court decides adversely to the McClellans that we would be bound by it. The most persuasive thing in a case is the evidence in the case, and they have had four years to introduce it, and it is not here yet. There was a man named Jule Hampton suggested there was fraud in this case and made a kick about it. I saw that man, I saw an affidavit made by him in favor of Mrs. Paddock, who is a descendant of the same ancestor, with her children, and were recognized citizens. I saw further where he had secured the Leased District money for some of them, and charged fifty per cent for his services. There is not only one Jule Hampton in this country. There are some of those people who has a fashion of taking something to which they have no right. I don't think Jule Hampton is an Indian, or has any right here. I expect the Commission hasheard him make the statement that there was fraud here. We have evidence -- I think perhaps Mr. Beall saw the affidavit, that this man had made. Now with all these things you can't expect anything else except that these people should be nervous. Any good business man would be nervous, because there is nothingcertain until it is finally decided, so I don't think we are unjust to Mr. Comish. There are a great many people who have died up there, who had no evidence against them, and there ought to be a decision in those

cases, they ought to be sent to the Secretary of the Interior. Now if the Secreatry wants to hold them up, that is a matter that he would be the best judge of, as to whether or not it should be held up when it gets there. Judging from what he says in the Wyly Adams case, we presume he will see there is no occasion for holdingit up. There are others in the same position, and their cases ought to be decided. We cannot wait and find out how everything else should be decided before we decide. We must act as the cases come up. You act as a court upon what is before you. Now it is not good faith on the part of the nation to say, We will hold you up for two years longer, to wait for a decision that might be in our favor. It is not good faith for several reasons. First, the decision of that court, the United States Court, is presumed to be correct. It is presumed that the court acted fairly, and that the facts as presented authorized the judgment in their favor. I will guarantee it did, too, because, if a ything, Judge Clayton was partial to the Nation. Judgement did not go by default, any more than in divorce cases in his court. I had clients rejected there because I could not get proof. His judgment is presumed to be correct. You take the record in this case which is in dispute, and if the record is produced in that case, it is presumed -- No other presumption could arise. Nothing else is presumed. If he had tried to show that these people were not what they claim to be, we might be differently persuaded. But this case shows conclusively they are entitled to their rights, and if the court does justice, these people down there will be admitted, unless there are some technicalities. I am not familiar with the case at all down there. So I say it is not good faith for the nation to ask this Commission to tie these people up until that court decides. That court has announced it will decide nothing until it hears all the cases. Its life has been extended to the 31st day of December, 1904. When its decision will be rendered is a matter of guesswork. I have tried to get them to settle the case, and they will do nothing. They take ev rything under advisement. Of course, if this case was there, it would have to go under advisement with them. We ought to have a decision now. Let these people know they don't have to come to Muskogee about three times a year to watch their interest. Let them know they can go home and safely take an allotment for themselves and for their children. But they will want to know that there will be no trouble before they put money into t is land.

The land office has been in operation since the 20th day of April, about the 20th, for the making of allotments in the Choctaw Nation, and the law provides that a man must go and file within a year after the land office is opened. A number of the allotments will be made, by the end of the year, and there is no use in saying to us, who have seen, that these claims will not be filed on before these cases are decided, because they are doingit every day. There are about thirty contests at Atoka, and, someone told me the number at Tishomingo. That comes about in a certain degree because of this sort of trouble, and that condition of affairs is pretty bad. I am sorry that it exists, and it is onemof the reasons why cases of this kind should be closed up as speedily as possible. That citizenship court was not sent here to close up the Dawes Commission, it was sent here for the purpose of taking up the court cases and deciding those cases, and nothing else. If Congress had intended that that court should close this Commission, I take it for granted it would have said so, and suspended the Commission until the court has acted, but it did not do so, and the

Commission has gone on with the work. You remember the court at first attempted to set aside your judgments, made that mistake. A motion was filed for a rehearing, which is not mentioned in the other decree at all. The court then accepted the contrary doctrine, that is has authority to decide court cases alone, and not to run the Dawes Commission.

When I was up here the other day asking for a hearing in these matters, it was partly because of an urgent letter I had received from one of my clients, saying, Here, you fellows are not doing what you ought to do, or we would be getting a decision. There is a relative here has got her land, why don't we get ours? There is Mrs. Huggins has got her land, why is it my family can't get ours? I want you to find out, and I want you to let me know. I don't blame him. I think I would write such a letter myself to a lawyer of mine. It has been my idea all the time that the Commission was anxious to close these things up as speedily as possible, because I know from about six years experience that the Commission receives thousands of letters about these matters, not only from each lawyer, but each client writes about once a month, and it causes a world of confusion. In cases as simple as this that is here before the Commission, as clear as these, perhaps each month you will have a hundred letters in regard to that, and you might have five hundred, I don't know. It shows that they are anxious, and that they want a decision. It shows they ought to have a decision, and that is the most urgent plea, if the Commission please, we have to make, that we have a decision. We think we know what the law is, and we know what the facts are, and knowing the law and the facts in this case, it is a final judgment we are looking for.

If there is any question, I would be glad to answer it.

Mr. Cornish: Mr. Ralls states that the Choctaw-Chickasaw Citizenship Court has made the announcement that they would decide no case until they have heard all of them. I think I can state that I have heard every word that has fallen from the lips of the Choctaw-Chickasaw citizenship court, and my understanding is that they will decide no cases until after the 19th of October. After that day they will take up the cases and decide them without further delay.

Mr. Ralls makes a very earnest plea, and naturally so, but those considerations do not apply. The question is, under the law and the facts, ought these people to be passed on at this time, and are they entitled to this property. Not how bad they will need it, but are they entitled.

With reference to the Wyly Adams case, that act of the Choctaw Council is final and binding upon this Commission. It decides that under the act of June 10, 1896, this Commission had no jurisdiction over persons on the tribal roll, and if it rendered a decision, the judgment is void; that the jurisdiction of the Commission, under the act of June 10, 1898, extended only to those applicants who had never been registered.

Mr. Ralls: There was pending a writ of prohibition in the Supreme Court to test the validity of the act, and of course if the Supreme Court got hold of it, that is the end of it.

Mr. Cornish: That would put the court out of existence. The whole thing would be over then.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in this case, and that the above and foregoing is a true and correct transcript, to the best of his ability, of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 24th day of October, 1903.

Edward Merrey
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
-:-

W. F. FOSTER, ET AL.,

-vs-

THE CHOCTAW NATION.

B R I E F
AND STATEMENT OF FACTS ON BEHALF OF APPLICANT.

STATEMENT OF FACTS.

The applicants by blood in this case, in connection with the applicants in the various cases before this Commission known as the Foster-Campbell cases, claim as descendants of James Foster, a half-breed Choctaw Indian, who lived in the old Choctaw Nation, in the State of Mississippi, at the time of the ratification of the treaty known as the Dancing Rabbit Creek Treaty, made on the 30th day of September, 1830, and ratified by Congress on the 22nd day of February, 1831.

The name of James Foster appears upon the rolls of the Choctaw Indians residing there, who, by the provisions of the treaty were entitled to lands,- and the record shows that lands were set apart to him by the agents of the Government. On page 133 of volume 7 of the American State Papers, the record shows that on the 16th day of June, 1831, he made his entyy, and on that date expressed his desire to remain in the state of Mississippi, take lands under the treaty of 1830, and become a citizen of the state.

The other applicants in these cases claim by reason of having married members of the Foster-Campbell family. Many years ago the living members of these families moved to the Choctaw and Chickasaw Nations, and, in 1888, were, by an act of the Choctaw Council, recognized as part as members by blood, and the others

as members by marriage of the Choctaw Tribe of Indians. One of those intermarried citizens recognized was Mary E. Foster.

That act of the Choctaw Council has never been repealed or modified, and these applicants have been recognized as members of the Choctaw Nation ever since said act, and those claiming by blood were placed upon the Leased District Roll, and paid their Leased District money in 1893. Later, when the Choctaws made their rolls known as the Choctaw Census Roll of 1896, all applicants then living were placed upon that roll, and their names now appear upon that roll,-- their rights never having been disputed.

A great deal of testimony has been taken, and is contained in this record in behalf of the applicants, but no evidence has been offered by the attorneys representing the Choctaw and Chickasaw Nations tending to prove that the applicants are not entitled to be placed upon the final rolls. There have been some suggestions made by the attorneys, or other persons, to the effect that the act of the Choctaw Council was procured by fraud. This Commission has set these cases for hearing several times, and at various places; and at each time and place the applicants have been present, either in person or by attorneys, and insisting upon a final disposition of the case; but, each time the attorneys for the Nation have failed to offer any evidence against the applicants, and up to this time have not offered any evidence against the applicants,-- although they have succeeded in defering action in this matter for a period of nearly five (5) years.

The applicants are all bona fide residents of the Choctaw and Chickasaw Nations, and own farms and improvements in these Nations. We should state that a part of the descendants of James Foster, to-wit: Mrs. _____ Paddock and children, have been enrolled, and their enrollment approved by the Secretary of the Interior. The record shows that Mrs. Paddock's maiden name was Campbell, being the daughter of Lee Campbell, and Ellen Campbell, whose maiden name was Foster, she being the daughter of

James Foster,-- the ancestor through whom the balance of the applicants claim. It is our understanding that Mrs. Paddock and her family have been enrolled, and their enrollment has been approved by the Secretary of the Interior, and that they have been permitted to file upon their lands in the Choctaw Nation. Mrs. Paddock's name also appears in the act of the Council of the Choctaw Nation, recognizing the balance of the applicants. Another member of the family that has been enrolled and filed upon land is Lula E. Huggins, who is a daughter of Ephram L. Campbell, who is the grandson of the original James Foster.

We do not undertake to state the evidence in detail, or all other favorable facts, as the Commission is familiar with the record in the case, which shows fully and beyond any question that these plaintiffs are bona fide citizens, and entitled to their rights as such in the Choctaw and Chickasaw Nations.

B R I E F.

As we understand the notice sent out by the Commission the questions of law that we are to be heard upon is, "What power and authority has the Commission to the Five Civilized Tribes and the Secretary of the Interior to dispose of applications of persons for enrollment as citizens of the Choctaw and Chickasaw Nations under the provisions of the act of Congress approved June 28th, 1898, without reference to any acts of the tribal authorities of the Choctaw and Chickasaw Nations in Citizenship matters?"

Without going into a full review of the history of the legislation by Congress, in Citizenship matters, we will say that it has always been our understanding that the United States Government has recognized the rights of the Choctaw and Chickasaw Indians to pass upon citizenship matters in their respective nations,- recog-

nizing each nation as an independant Government for that purpose, where no acts of Congress, or Treaty stipulations intervene. Prior to the act of Congress approved June 10th., 1896, it was universally held by our Federal Courts, and by the Departments of the Government, that the Choctaw Nation and the Chickasaw Nation had the exclusive right to determine who were or were not citizens of the respective nations,- each nation acting for itself. Persons admitted by acts of the Choctaw Council were held by the Courts to be members of the Nation; and the acts of Council recognizing their rights were held conclusive evidence, and there was no power to go behind those acts. This same ruling was adhered to by the Departments of our Government, and continued to be true until 1888, when considerable complaint was made against the action of the Choctaw Council in rejecting persons who were, inffact, entitled to Citizenship,- and the Choctaw Council then passed an act, providing that persons rejected by the Choctaw Council might appeal to the United States Indian Agent, at Muskogee, whose action, when approved by the Secretary of the Interior should be final. Several appeals were taken from the Choctaw Council to the Agent, and when the agent's finding was approved by the Secretary of the Interior it was stated as final by our Government and by the Choctaw Nation .

The act of June 10th, 1896, distinctly recognized that certain Rolls of Citizenship of the various tribes had been prepared at that time, and gave this Commission jurisdiction to hear and determine the application of such persons who might apply for citizenship, and whose right therete had either been denied or not acted upon. The same act also provided that such persons might apply to the legally constituted court or the committee designated by the several tribes, and in either event provided for an appeal from the decision of either the Commission or the Indian Tribunals to the United States Courts.

It has been held by the Department in the case of Wyley Adams that the Commission had no authority to hear and determine

the application of persons who had already been admitted or recognized by an act of the Choctaw Council, and whose name appeared upon the Choctaw Rolls. That decision of this Commission was affirmed by the Acting Commissioner of Indian Affairs the 11th day of May, 1903, and was affirmed by the Secretary of the Interior on the 21st day of May, 1903. The Secretary in passing upon the question uses the following language:

> "A special act of the Nation's council is no less a law of the tribal than is a general one. It has been one of the well known usages and customs of the several Indian Tribes to adopt persons of other races. Naturalization by one nation of persons of other races or nations is so general as to be almost a universal practice. The act of June 10, 1896, supra, conferred upon the Commission no power to strike from the rolls persons borne thereon by the act and with the full consent of the tribe."

For a fuller discussion of the law we respectfully invite the Commission's attention to the decision in that case, and beg to suggest that our case is in fact a stronger case in favor of the applicants than that, for the reason that we claim, as members by blood and marriage, ~~in~~ when Adams claim by virtue of adoption, not claiming any rights as an intermarried citizen, or as a citizen by blood. It is our opinion that the Adams case decides that the Choctaw Council had authority to adopt persons to citizenship, even though such persons claimed no rights by blood or marriage. The decision reached in the Adams case is in harmony with the view of the Supreme Court of the United States as expressed in the case of A. B. Reff vs. Louisa Burney, Administratrix (168 U. S., p. 218, Book 42, L. C. Ed., p. 442.) The opinion in that case was rendered on the 29th day of November, 1897, and the Court uses the following language:

> "Now, according to this complaint plaintiff was a citizen of the United States. Matilda Bourland was not a Chickasaw by blood, but one upon whom the right of Chickasaw citizenship had been conferred by an act of the Chickasaw legislature. The citizenship which the Chickasaw legislature could confer it could withdraw. The only restriction on the power of the Chickasaw Nation to legislate

in respect to its internal affairs is that such legislation shall not conflict with the Constitution or laws of the United States, and we know of no provision of such Constitution or laws which would be set at naught by the action of a political community like this in withdrawing privileges of membership in the community once conferred. The Chickasaw legislature, by the second act, whose meaning is clear, though its phraseology may not be beyond criticism, not only repealed the prior act, but canceled the rights of citizenship granted thereby, and further directed the governor to remove the parties named therein and their descendants beyond the limits of the nation. This act was not one simply taking effect as of the date of its passage and then withdrawing rights admitted to have been theretofore legally granted, but was retroactive in its scope, and purported to annul and destroy all that had ever been attempted to be done in respect to the matter. Whether any rights of property could be taken away by such subsequent acts need not be considered. It is enough to hold that all personal rights founded on the mere status created by the prior act fell when that status was destroyed. Plaintiff never took any oath of allegiance to the Chickasaw Nation; never in terms relinquished his full rights as a citizen of the United States. Doubtless, by intermarriage with one who was at the time by a legislative act a Chockasaw Citizen, he acquired the rights and the privileges of a member of that tribe or Nation, but when that which was the foundation upon which such acquisition ~~xxx~~ rested was taken away by act of the nation, then all those rights and privileges ceased. The tie which bound him to the nation was his wife's citizenship. That tie the nation destroyed. Its destruction released him. That such was the effect of this legislative act is established by the conduct of the Chickasaw Government and all its officials, for they have refused to recognize plaintiff as any longer a member of the Chickasaw Nation, and the courts of that nation have declined to entertain jurisdiction of any suits brought by him against the Chickasaws. The validity of the act withdrawing citizenship from the wife of plaintiff, and the consequent withdrawal from plaintiff of all the rights and privileges of citizenship in the Chickasaw Nation, has been practically determined by the authorities of that nation, and that determination is not subject to correction by any direct appeal from the judgment of the ~~xixix~~ Chickasaw Courts. It follows, therefore, that his right as a citizen of the United States to appeal to the Federal Courts to take jurisdiction of his claims against one of the Chickasaw Nation must be sustained."

We quote the above opinion to show that the Supreme Court recognizes the exclusive right of the Chickasaw Nation to deal with questions of citizenship, and that with its actions the Federal authorities have no right to interfere. That decision had been rendered before the act of June 28th, 1898 was passed, and was a fixed construction by the Federal Government upon the rights of the nations to deal with citizenship questions; and, under a well-es-

tablished rule of construction, we must construe the act of June 28th, 1898, as not intending to authorize the Commission to go behind the acts of the Choctaw or Chickasaw Councils, because Congress is presumed to have known that the Supreme Court had held that such acts were finallyand conclusive.

The policy of Congress in in this legislation has been to close up the rolls of the nation, and to prepare a final roll of the members of such nations; and it has not been the object of our legislation to reopen questions already passed upon. While it is true that the legislation has been by "piece meal", and at different sessions of Congress, yet the rule of construction applies to the whole legislation as if it had been passed in one act, because the legislation refers to the one important subject and that is the question of citizenship,-- and it is well to keep in mind a rule of construction laid down by Sutherland on Statutory Construction, found in Section 287, ¶288 which reads as follows:

> "The legislature are presumed to know existing statutes, and the state of the law, relating to subjects with which they deal. Hence, that they would expressly abrogate any prior statutes which are intended to be repealed by the new legislation. Where there is no express repeal none is deemed to be intended, unless there is such an inconsistency as precludes this assumption; then it yeilds only to the extent of the conflict. Regard must be had to all the parts of a statute, and to the other concurrent legislation, In pari materia; and the whole should, if possible, be made to harmonize; and if the sense be doubtful, such construction should be given, if it can be, as will not conflict with the general principles of law, which it may be assumed the legislature would not intend to disregard or change."

In the following section the same authority uses the following language:

> Sec. 288. "Where enactments separately made are read in pari materia they are treated as having formed in the minds of the enacting body parts of a connected whole, though considered by such bodies at different dates, and under distinct and varied aspects of the common subject. Such principle is in harmony with the actual practice of legislative bodies, and is essential to give unity to the law, and connect them in a symmetrical system. Such statutes are

taken together and construed as one system, and the object is to carry into effect the intention. It is to be inferred that a code of statutes relating to one subject was governed by one spirit and policy, and was intended to be consi stent and harmonious in its several parts and provisions.

" For the purpose of learn ing the intention all statutes relating to the same subject are to be compared, and so far as still in force, brought into harmony, if possible, by interpretation, though they may not refer to each other, even after some of them have expired or been repealed. And a menatory act and the acts amended are to be construed as one statute, and no portion of either is to be held inoperative if it can be sustained without wresting words from their appropriate meaning. Where a statute is made in addition to another statute on the same subject, without repealing any part of it, the provisions of both must be construed together. "

In view of the well-established rules of construction and legislation, we beg to submit that a proper rule of construction to govern the Commission in passing upon the various acts in these citizenship cases would be as follows:

I.

The act of June 10th., 1896, intended to and did conclusively decide that all persons whose names were upon the various rolls of the nations, as therein described should remain members of those nations.

II.

That persons whose names were not upon such rolls, and whose rights had not been acted upon, or had been denied, might apply to the Commission for citizenship, or might apply to the various Indian Tribunals, and that in the absence of an appeal, the action of the Commission, or the Indian Tribunals should be final,-- those admitted to be placed upon the rolls and remain upon such rolls without further question.

III.

That the decisions of the United States Courts upon cases appealed from the Commission, or from the Indian Tribunals should be final; those admitted to be placed upon the rolls and to remain there without further question.

IV.

IV.

Under the act of June 7th., 1897, a modification in the construction of the words 'rolls of citizenship' was provided for, and a provision therein made for ~~x~~ striking from all rolls not therein approved, the names of persons placed thereon, without authority of law, or through fraud, by giving ~~the~~ notice and proceeding in the manner prescribed by that act. The particular provision we refer to in the act of June 7th, 1897, is as follows:

> "Provided, that the words 'rolls of Citizenship', as used in the act of June 10th., 1896, making appropriations for current and contingent expenses of the Indian Department, and fulfilling Treaty stipulations with various Indian tribes for the fiscal year ending June 30., 1897, shall be construed to mean the last authenticated rolls of each yribe, which has been approved by the council of the natian, and the descendants of those appearing on such rolls, and such additional names, and their descendants, as have been subsequently added, either by the council of such nation, the duly authorized courts thereof, or the Commission under the act of June 10th., 1896. And all other names appearing upon such rolls shall be open to investigation by such Commission for a period of six months ~~ag~~ after the passage of this act. And any name appearing on such rolls and not confirmed by the act of June 10th, 1896, as herein construed, may be stricken therefrom by such Commission where the party affected shall have ten days' previous notice that said Commission will investigate and determine the right of such party to remain on such rolls as a citizen of such nation: provided, also, that any one whose name shall be stricken from the roll by such Commission shall have the right to appeal, as provided in the act of June 10th., 1896."

And that this act intended and did change the construction to be placed upon rolls of citizenship, and where it was sought to ~~[illegible]~~ strike names from any rolls included in the definition, it was necessary to proceed according to the terms of that act; and, if no such proceedings were taken, the names on such rolls became final, and it was not intended that any question should be raised with regard to any citizen, after the expiration of the time therein fixed.

V.

That the act of July 1st., 1898, authorizing appeals to the Supreme Court of the United States in citizenship cases was intended to give the Supreme Court jurisdiction to determine the constitutionality of the acts of Congress relating to citizenship, and the deter-

mination of that court is conclusive that the acts that existed at that time were constitutional.

VI.

That the act of June 28th., 1898, known as the Curtis Bill, authorizes the Commission to investigate and eliminate from the rolls the names of all persons placed thereon through fraud or without authority of law, but the Commission must be confined to the names that were placed upon such rolls, after the passage of the act of June 7th., 1897, because that act provided for eliminating the names placed ~~th~~ on the rolls, without authority of law or through fraud, and provided the remedy by which same should be done; and the time in which same was required to be done had expired, and the persons interested in the matter are presumed to have done their official duty, and to have eliminated from the rolls, under the provisions of that act, all names that had been placed thereon through fraud or without authority of law. And that it was not intended by the act of June 28th., 1898, to open up questions of citizenship that were decided, or presumed to have been decided under previous acts.

By adhering to these rules the construction we confirm to the rules of construction laid down by Mr. Sutherland on Statutory Construction, and all other authorities on that and similar questions.

If we are not correct in our contention, then the effect of the act of June 28th, 1898, was to open up every citizenship case, and perhaps each person claiming to be a member of the nation would be required to make ~~x~~ proof of his rights, and the rolls prepared by the Nations would amount to nothing.

Hence, instead of carrying out the intentions and policy of our government to close the rolls, the act of June 28, 1898, would undo all that had been done. Such a construction cannot be indulged in and was not intended.

We further invite the Commission's attention to the provisions of what is known as the Atoka Agreement, the ratification of which was proclaimed on either the 30th or 31st day of August, 1898. The whole text of that agreement recognises our clients as members of the Choctaw Nation, and while the recognition is not in so many words, yet it is to be found implied in the following provision: "Provided that no person whose rights to citizenship in either of said tribes or nation is now contested in the original or appellate proceedings before any United States Federal Court shall be permitted to vote at said election."

That provision follows the provision for a vote upon the ratification of the agreement, and was intended to defend the persons who were and were not entitled to be treated as members of the Nation, and consequently entitled or not entitled to a vote upon the interests of the nation.

In conclusion we beg to say that we have never felt uneasy about the nation's being able to prove that any fraud was practiced before the Choctaw Council in procuring the act adopting our clients, but, as the attorneys for the nation have, from time to time, caused delay in a final decision, we feel that we should urge upon the Commission the necessity of immediate action.

The land offices for the Choctaw and Chickasaw Nation, as you know, were opened on the 15th day of April, of this year, and a great many allotments have been made. Some of our clients having children for whom they desire to select allotments, as business men, are anxious that their case be finally determined before investing large amounts in prospective allotments, either for themselves or families.

While in our judgment they are practically safe in doing so, yet they are but humans, and as long as questions are pending, must necessarily feel some hesitancy, and consequently will necessarily be deprived of opportunities of securing valuable allotments for themselves and children.

Aside from this, as this Commission knows, there are always persons who will start rumors that certain persons will be or have been rejected, or that their claims are being contested, and these rumors necessarily have some effect upon persons dealing with such citizens.

We have been anxious all the time for a decision to be rendered, and we submit that, as a matter of justice to our clients this Commission should, as speedily as is consistent with its duties, render a final decision, so the same may be submitted to the Secretary for his approval, and these people be finally placed upon the approved lists, and permitted to file upon their allotments.

Very respectfully submitted.

J. J. Ball

Bond & Melton

Gilbert Faw & Gilbert.

Of Counsel for Applicants.

Territory of Oklahoma }
Cleveland County } ss.

In the matter of the birth of a child born unto William F. Foster and Mary A. Foster husband and wife, who now reside in the Chickasaw Nation in Pontotoc County, but have formerly resided in the Choctaw [redacted]

[redacted] & Notary Public in and for Cleveland County, Oklahoma Territory, Dr. Wesley Murphy [redacted] resident of Tahlequah Oklahoma Territory, who [redacted] is 38 years, well known to me to be reputable and entitled to credit, and who being duly sworn, declares in relation to aforesaid case as follows:

That he is a practicing Physician, and was present and [redacted]

residence in the Chickasaw Nation, in Pontotoc County, which is 7 miles East of Tahlequah O. T. [redacted] January the 2 day 18[redacted], during her confinement [redacted] male child was born unto its parents [redacted] Mary A. Foster husband and wife. [redacted] duly married Martin Thomas Foster [redacted] acting as a physician when her child was born [redacted] its birth and that [redacted]

in said case, and [redacted] not concerned in its prosecution or termination.

Subscribed and sworn to before me on this 15 day of March A.D. 1899 J. M. Clayton a Notary Public

My Commission

and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same, & further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me, that he is credible

[redacted]

of March A.D. 1894

J. M. [redacted]
Notary Public

[redacted] Expires

[redacted]

[redacted]

[redacted]

[redacted]

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Earl Clyde Foster

as a citizen of

Choctaw Nation.

Approved, MAR -9 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 9 1901

Acting Chairman

CHOCTAW.
40 20

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation.

of Earl Clyde Foster (Here insert name of child), born on the 22 day of January, 1901.

Name of Father: William F. Foster, a citizen of the Cherokee Nation.

Name of Mother: Mary A. Foster, a citizen of the Cherokee Nation.

Post-office. Norman, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Oklahoma Territory
Cleveland County } SS.

I, Mary A. Foster, on oath state that I am 37 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of William F. Foster, who is a citizen, by blood, of the Cherokee Nation, that a male (male or female) child was born to me on the 22 day of January 1901; that said child has been named Earl Clyde Foster, and is now living.

Mary A. Foster

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 27 day of February 1901.

My Com'n Expires Dec 19th 1904.

B. F. Wolf
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Oklahoma Territory
Cleveland County.

I, C. S. Bobo, a physician, on oath state that I attended on Mrs. Mary A. Foster, wife of William F. Foster on the 22 day of January, 1901; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Earl Clyde Foster.

C S Bobo MD

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 27 day of February 1901.

My Com'n Expires Dec 19th 1904.

B. F. Wolf
NOTARY PUBLIC.

Muskogee, Indian Territory, March 9, 1901.

William P. Foster,

Norman, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment, as a citizen of the Cherokee Nation of Earl Clyde Foster, the infant son of William P. and Mary A. Foster, born January 23rd, 1901, and the same being in proper form has been duly filed with the records of this Commission as evidence of the birth of this child.

Yours truly,

Acting Chairman.

7-Dr-32

Choctaw D-20

C O P Y.

Muskogee, Indian Territory, February 25, 1902.

W. F. Foster,

Norman, Oklahoma.

Dear Sir:

You are hereby notified that the application of W. F. Foster, Mary A. Foster, John A. Foster, Robert E. Foster, Maud Foster Claud Foster, James O. Foster, Ida O. Foster, Martin T. Foster and Earl Foster for enrollment as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be offered an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. NEEDLES,
Commissioner in Charge.

Register.

Choctaw-3715.

Muskogee, Indian Territory, July 19, 1904.

W. F. Foster,

Womack, Indian Territory.

Dear Sir;

Receipt is hereby acknowledged of your letter of July 13th, in which you ask if your wife, M. A. Foster, has been approved.

In reply to your letter, you are informed that on this date the Commission rendered its decision granting the application of Mary A. Foster, wife of W. F. Foster, for enrollment as an intermarried citizen of the Choctaw Nation. The attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from this date within which to protest to the action of the Commission. If at the expiration of that time no protest has been filed her name will be placed upon the schedules of intermarried citizens of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw-D-20.

Muskogee, Indian Territory, June 18, 1904.

Hannorah Goforth,

Conser, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 3rd, in which you ask if you have been approved as an intermarried citizen.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation; but as soon as a decision is reached in this case, you will be notified of the action taken therein.

In the event further evidence is necessary to enable the Commission to pass upon your application you will be notified thereof.

Respectfully,

Chairman.

Muskogee, Indian Territory, August 26, 1902.

Mr. R. E. Foster,

Newcastle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant in which you state that you are a citizen and you want a place and know of one J. C. Bradshaw, who is supposed to be a noncitizen, and who has a place with some improvements upon it, which you want to get, and you desire to be advised how you shall proceed to obtain the same. You also request to be informed whether or not J. C. Bradshaw has a right.

You are informed that the records of this office have been examined and it does not appear that any person by the name of J. C. Bradshaw has ever made application for enrollment as a citizen of either the Choctaw or Chickasaw Nation.

As to the question of how you shall proceed to obtain possession of lands now occupied by him, you are informed that this office will not at this time render any decision. The matter referred to in your letter is such as will properly come before an allotment office when such an office is established

1

R. H. Foster -6-

in the County and Highway primary for the purpose of allowing the citizens of those sections to select and file their prospective nominees.

Yours truly,

Commissioner in charge.

W. D. 30

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.F
HLB

I. T. D. 7794-1907.
L.R.S.
F.L.C.

March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In answer to Departmental telegram of February 23, 1907, and letter of the same date, you reported in letter of February 27, 1907, after inspection of the partial rolls of the Choctaw and Chickasaw nations, prepared under the act of June 28, 1898 (30 Stat., 495), and subsequent legislation, the persons whose names have been placed on such partial rolls, in your opinion, contrary to the views expressed in the Attorney-General's opinion of February 19, 1907, in the case of Myrtle Randolph and others, copy of which was transmitted to you with letter of February 23, 1907, and which names you recommend be stricken from the partial rolls, opposite the numbers mentioned by you.

Your list is as follows:

CHOCTAWS BY BLOOD AND INTERMARRIAGE.

Charley E. Vincent, opposite No. 1461, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 incase No. 251; no appeal. Patents recorded.

John Calvin Gray, opposite No. 1518, upon the final roll of citizens by intermarriage of the Cheotaw nation. Admitted by Commission in 1896 in case No. 88, and denied by the united states court for the central district of Indian territory on appeal; no appeal to the Cheotaw and Chickasaw Citizenship Court.

Daisy Shelton, Frank Shelton, Emma Shelton, opposite Nos. 15951, 15952, 15953, respectively, upon the final roll of citizens by blood of the Cheotaw Nation. All denied by Commission in 1896 in case No. 1407; admitted by United states court for southern district of Indian Territory; no appeal to Cheotaw and Chickasaw Citizenship Court, Patents for No. 15951 recorded.

John Shelton, opposite No. 1495, upon the final roll of citizens by intermarriage of the Cheotaw Nation. Denied by Commission in 1896 in case No. 1407; admitted by United states court for southern district of Indian Territory; no appeal to Cheotaw and Chickasaw Citizenship Court.

Jacob D. Sumpter, opposite No. 1469, upon the final roll of citizens by intermarriage of the Cheotaw nation. Denied by Commission in 1896 in case No. 1973; no appeal. Patents recorded.

John Sumpter, Amanda Isabella Sumpter, Jim Andy Sumpter, and Scott Taylor Sumpter, opposite Nos. 15645, 15646, 15647, and

15648, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1073; no appeal. Patents for No. 15648 recorded, homestead patent for No. 15647 recorded.

Dixon D. Sumpter, opposite No. 15649, upon the final roll of citizens by blood of the Choctaw Nation. Son of Nancy Sumpter, deceased, who was denied by Commission in 1896 in case No. 1073; and no appeal. Born in 1897.

Mattie S. Mitchell, opposite No. 1519, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1299; no appeal.

Georgia Hyden, opposite No. 1601, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1344; admitted by United States court for the central district of Indian Territory; denied by the Choctaw and Chickasaw Citizenship Court: Decision of Commissioner of October 1, 1906, granting enrollment affirmed by Department November 17, 1906 (I. T. D. 22524-1906).

Eva Marguerite Hyden, opposite No. 16102, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1344; admitted by United States court for

central district of Indian Territory; denied by Choctaw and Chickasaw Citizenship Court. Application for enrollment granted by Commissioner October 1, 1906; affirmed by Department November 17, 1906 (I.T.D.22524-1906).

J. W. Kirk, opposite No. 1399, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 948; appeal to United States district court dismissed.

Sarah Kirk and Gabriella Kirk, opposite Nos. 15393 and 15394, respectively, upon the final roll of citizens by blood of the Choctaw nation. Denied by Commission in 1896 in case No. 948; appeal to United States district court dismissed. Patents recorded.

William J. Crowder, Abigail Crowder, Maggie Crowder, Rosa Crowder, William M. Crowder, and John F. Crowder, opposite Nos. 15899, 15900, 15901, 15902, 15903, and 15904, respectively, upon the final roll of citizens by blood of the Choctaw nation. Denied by the Commission in 1896 in case No. 709; no appeal. Patents for No. 15899 recorded.

Winnie Gertrude Crowder, born June 8, 1901, opposite No. 15905, upon the final roll of citizens by blood of the Choctaw Nation. Daughter of William J. Crowder, who was denied by Commission in 1896 in case No. 709; no appeal.

Josephine Crowder, opposite No. 523, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 765; no appeal. Wife of William J. Crowder opposite No. 15999.

George W. Crowder, Louisa Crowder, Joe Crowder, and Belzeri Crowder, opposite Nos. 15906, 15907, 15908, and 15909, respectively, upon the final roll of citizens by blood of the Choctaw nation. Denied by Commission in 1896 in case No. 712; no appeal. Patents for Nos. 15906, 15907 and 15908 recorded.

Willie Crowder, born October 16, 1898, opposite No. 15910, upon the final roll of citizens by blood of the Choctaw nation. Son of George W. Crowder, who was denied by Commission in 1896 in case No. 712; no appeal. Patents recorded.

Parlee C. Crowder, opposite No. 1524; upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 699; no appeal.

Van Crowder, opposite No. 15911, upon the final roll of citizens by blood of the Choctaw nation. Denied by Commission in 1896 in case No. 749; no appeal. Patents recorded.

Ambrose L. Rice, opposite No. 1460, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 662; no appeal. Patents recorded.

Betsy Wright, Thomas M. Wright, opposite Nos. 18912 and 18913, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 907; no appeal. Patents recorded.

Mary M. Wright and Lenard Dalco Wright (both born since 1896), opposite Nos. 18914 and 18915, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Children of Betsy Wright, who was denied by Commission in 1896 in case No. 907; no appeal. Patents recorded.

Andrew J. Allen, opposite No. 1628, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

Elizabeth Allen, opposite No. 16163, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

William M. Tucker, opposite No. 1470, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 236; admitted by United States

court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Arthur Jennings and Clyde Jennings, opposite Nos. 15972 and 15973, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1048; admitted by United States court for Southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

William Reichert, opposite No. 1491, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 1117; no appeal. Patents recorded.

Ella Reding, opposite No. 1490, upon the final roll of citizens by intermarriage of the Choctaw nation. Admitted by Commission in 1896 in case No. 1243; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Ardella Kiefer, opposite No. 15914, upon the final roll of citizens by blood of the Choctaw nation. Admitted by Commission in 1896 in case No. 1243; admitted by United States Court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Angeline White, opposite No. 1403, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Com-

mission in 1896 in case No. 950; no appeal. Enrollment ordered by Department February 3, 1906 (L.T.D. 1139-1906).

David Ritter, opposite No. 16104, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; denied by Commission in 1896 in case No. 1107; admitted by United States Court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Ida Crutchfield, Ina Crutchfield, Louvinia Crutchfield, William Crutchfield, and Leutitia Crutchfield, opposite Nos. 16106, 16107, 16108, 16109 and 16110; respectfully, upon the final roll of citizens by blood of the Choctaw nation. Admitted by Commission in 1896 in case No. 488; admitted by United states court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Everet Crutchfield, opposite No. 16106, upon the final roll of citizens by blood of the Choctaw nation. Born in 1897, and son of Ida Crutchfield, above mentioned. Was not before the Commission in 1896, and possesses no tribal status.

George W. Crutchfield, opposite No. 16111, upon the final

roll of citizens by blood of the Choctaw Nation. Born since 1896, and child of Ida Crutchfield, opposite No. 1618.

James T. Leard, opposite No. 1636, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 1225; admitted by United States court for the central district of Indian Territory; denied by the Choctaw and Chickasaw Citizenship Court.

Robert L. Rabon, opposite No. 1406, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 1017; no appeal. Patents recorded.

Sarah Merryman, opposite No. 1405, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 345; no appeal.

Nellie F. Beagles, opposite No. 1601?, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 11; no appeal. Patents recorded.

August Klugh, opposite No. 890, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 223; no appeal. Patents recorded.

Henry Pohwerth, opposite No. 9258, upon the final roll

of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1376; no appeal. Patents recorded.

Mary M. Botding, opposite No. 1408, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1031; no appeal. Patents recorded.

Alice E. James, Maggie M. James, Ellis E. James, Amalaurie James and Evalena James, opposite Nos. 15450, 15451, 15452, 15453, and 15454, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1031; no appeal. Patents for Nos. 15450, 15451, 15453, and 15454 recorded.

Chester C. Atwood, opposite No. 1409, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1127; no appeal. Patents recorded.

William D. Paxton, opposite No. 1410, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 582; no appeal. Patents recorded.

Charles A. Woodward, opposite No. 662, upon the final

roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 822; denied by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Homestead patent recorded.

Frederick R. Robinson, opposite No.1811, upon the final roll of citizens by intermarriage of the Choctaw nation. Admitted by Commission in 1896 in case No . 678; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Virginia P. Mitchell, opposite No. 1815, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 389; no appeal. Patents recorded.

Andrew Neal, opposite No. 1473, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 77; no appeal.

Benjamin E. Gunter, opposite No. 1216, upon the final roll of citizens by intermarriage of the Choctaw nation. Admitted by Commission in 1896 in case No. 267; denied by United States Court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Calvin Q. Harris, opposite No. 1329, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 423; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Homestead patent recorded.

Lydia Ann Crowder, opposite No. 1412, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No . 742; no appeal.

Madell McClure, opposite No. 1414, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1328; no appeal.

Mary E. Robinson and Mary A. Trice, opposite Nos. 13886 and 13887, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 641; no appeal. Patents for No. 13886 recorded.

Lucy McCurtry, opposite No. 1467, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1324; no appeal.

Eli W. Crowder, James Crowder, Mattie B. Crowder and Pinkie B. Crowder, opposite Nos. 13921, 13922, 13923, and 13924, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 762; no appeal.

John A. Crowder, opposite No. 13925, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897, and son of Eli W. Crowder, opposite No. 13921. Patents recorded.

Henry Sutherland, opposite No. 668, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 1361; no appeal. Patents recorded.

Robert A. Travis, opposite No. 340, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 438; no appeal.

Mary Moran, opposite No. 1416, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 360; no appeal. Patents recorded.

George W. Roberts, opposite No. 1219, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 699; denied by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Vicey Lewis, opposite No. 1476, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1239; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Ira L. Smith, opposite No. 1127; upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 790; denied by United states court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Mattie Vreeny, opposite No. 1421, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 468; no appeal. Patents recorded.

Rosa R. Rigney, opposite No. 1478, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 706; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship court. Patents recorded.

Josiah T. Marshal, opposite No. 1341, upon the final roll of citizens by intermarriage of the Choctaw nation. Admitted by Commission in 1896 in Case No. 372; denied by United States court for the central district of Indian Territory; appeal to Choctaw and Chickasaw Citizenship Court dismissed on May 4, 1903, on general demurrer, in case No. 3 upon the McAlester docket.

Fannie Shults, opposite No. 1423, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 1067; no appeal. Patents recorded.

Hattie A. Perkins, opposite No. 1087, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 594; no appeal. Patents recorded.

John T. Staton, opposite No. 1424, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 1072; no appeal. Patents recorded.

Amanda Cheate, opposite No. 1389, upon the final roll of citizens by intermarriage of the Cheetaw Nation. Denied by Commission in 1896 in case No. 757; no appeal.

Eva Coleman, opposite No. 1386, upon the final roll of citizens by intermarriage of the Cheetaw Nation. Denied by Commission in 1896 in case No.971; no appeal.

William P. Kelly, opposite No. 1480, upon the final roll of citizens by intermarriage of the Cheetaw Nation. Admitted by Commission in 1896 in case No. 1196; admitted by United states court for central district of Indian Territory; no appeal to the Cheetaw and Chickasaw Citizenship court.

Mattie M. Russell, opposite No. 1353, upon the final roll of citizens by intermarriage of the Cheetaw Nation. Denied by Commission in 1896 in case No. 1116; no appeal.

Grover Randall, opposite No. 13926, upon the final roll of citizens by blood of the Cheetaw Nation. Admitted by Commission in 1896 in case No. 667; admitted by United States court for central district of Indian Territory; noappeal to Cheetaw and Chickasaw Citizenship Court.

Agnes James, opposite No. 18961, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1019; no appeal.

Martha Hyden, opposite No. 1609, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1344; admitted by United States court for southern district of Indian Territory; denied by Choctaw and Chickasaw Citizenship Court.

Wiley Adams, opposite No. 18927, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1128; no appeal.

Mary A. Foster, opposite No. 965, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 437; no appeal.

Jeannette M. Buckholts, opposite No. 1837, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 943; no appeal.

Selden T. Lindsey, opposite No. 1180, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 25; denied by United States court for central district of Indian Territory; no appeal to Chec-

tew and Chickasaw Citizenship Court. Patents recorded.

Henry A. Cummings, opposite No. 1484, upon the final roll of citizens by intermarriage of the Choctaw nation. Admitted by Commission in 1896 in case No. 963; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Ordered enrolled by Department April 1, 1905 (I. T. D. XXXI-1905). Patents recorded.

Allen Beagles, opposite No. 1486, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 11; no appeal. Patents recorded.

William Newton Gunn, opposite No. 1489, upon the final roll of citizens by intermarriage of the Choctaw nation. Admitted by Commission in 1896 in case No. 1010; admitted by united states court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

John W. Carter, opposite No. 1543, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 982; no appeal.

Julia Gunn, opposite No. 1550, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 1407; admitted by United States court for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Robert C. McClendon, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1329; no appeal. Directed to be enrolled by Department April 5, 1906 (I. T. D. 8932-1904).

Martha J. McCahey, opposite No. 1414, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1268; no appeal. Decision of Commissioner of June 5, 1906, granting application affirmed by Department October 30, 1906 (I. T. D. 21238-1906).

Mattie L. Armstrong, Layton R. Armstrong and Bonnie D. Armstrong, opposite Nos. 16034, 16035, and 16036, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in cases No. 477 and 478; admitted by United States Court for Southern district of Indian Territory; denied by Choctaw and Chickasaw Citizenship Court. Decision of Commissioner of July 9, 1906, granting application affirmed by Department August 11, 1896 (I. T. D. 13700-1906).

Rebecca K. Armstrong, opposite No. 16037, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1898 and child of Mattie L. Armstrong, opposite No. 16034.

Thomas J. Howard, Nerese Howard, Lonnie Howard, Emery Howard and Elmer Howard, opposite Nos. 16033, 16034, 16035, 16036

and 16037, respectively, upon the final roll of citizens by blood of the Choctaw nation. Denied by Commission in 1896 in case No. 1354; no appeal. Directed to be enrolled by Department April 6, 1906 (I. T. D. 5364-1904).

Bettie Perney Howard and Dora Lee Howard, opposite Nos. 16038 and 16039, respectively, upon the final roll of citizens by blood of the Choctaw nation. Born in 1897 and 1899, respectively, children of Thomas J. Howard, opposite No. 16033.

Carrie Howard, opposite No. 1578, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 1354; no appeal. Wife of Thomas J. Howard, opposite No. 16033.

Gertrude Beaver, Clarence Beaver, Willie Beaver, and Myrtle Beaver, opposite Nos. 16040, 16041, 16042 and 16043, respectively, upon the final roll of citizens by blood of the Choctaw nation. Nos. 16040 and 16041 denied by Commission in 1896 in case No. 1354; no appeal. Nos. 16042 and 16043 born in 1896 and 1900, respectively, and children of GertrudeBeaver, opposite No. 16040, ordered enrolled by Department April 6, 1906 (I. T. D. 5364-1904).

Burrell V. McLendon, John B. McLendon, Thomas McLendon, Ida M. McLendon, Ralph McLendon, Harry McLendon and Vannie McLendon,

opposite Nos. 16025, 16026, 16027, 16028, 16029, 16030 and 16031, respectively, upon the final roll of citizens by blood of the Choctaw nation. All but nos. 16030 and 16031 denied by Commission in 1896 in caseNo. 1271; no appeal. Nos. 16030 and 16031 born in 1896 and 1898, respectively, and children of No. 16025. Directed to be enrolled by Department April 6, 1906 (I. T. D. 6372-1906).

Corneal McLendon, opposite No. 1277, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 1271; no appeal. Wife of Burrell F. McLendon, opposite No. 16015.

George A. Bumgarner, opposite No. 16112, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 620; no appeal.

James S. Long, Joseph Long, Febbie Long, opposite Nos. 16003, 16004 and 16005, respectively, upon the final rll of citizens by blood of the Choctaw nation. Placed on 1896 Choctaw Census Roll by Choctaw Revisory Board without authority of law, as in William C. Thompson case. Ordered enrolled by Department January 19, 1906 (I. T. D. 2193-1905).

Columbus B. Autry, Lenora Green and Teddy Green, opposite Nos. 16046, 16047 and 16048, respectively. Nos. 16046 and 16047 placed on 1896 Choctaw Census Roll by Choctaw Revisory Board without authority of law as in William C. Thompson c ase. No. 16048 born

February 14, 1901; see of 16049. Record transmitted to Department December 21, 1906, for consideration in Case of Wewokiah Enoch Entry.

CHOCTAW MINORS, ACT OF CONGRESS APPROVED
APRIL 26, 1906 (34 Stats., 137).

Mattie Myrl Crowder, opposite No. 674, child of George W. Crowder, opposite No. 15906, upon the final roll of citizens by blood of the Choctaw nation, and Parlee C. Crowder, opposite No. 1524 upon the final roll of citizens by intermarriage of the Choctaw nation.

Rufus Clay Crowder, opposite No. 4, child of William J. Crowder, opposite No. 15899, upon the final roll of citizens by blood of the Choctaw Nation, and Josephine Crowder, opposite No. 1523, upon the final roll of citizens by intermarriage of the Choctaw nation.

Fannie Jane Wright, opposite No. 253, child of J. W. Wright, non-citizen, and Betsy Wright, opposite No. 15912, upon the final roll of citizens by blood of the Choctaw Nation.

Lee Green, opposite No . 686, child of W. F. Green, non-citizen, and Lenora Green, opposite No. 16049, upon the final roll of citizens by blood of the Choctaw nation.

Ruth McLendon, opposite No. 786, child of Robert C. McLendon, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation, and Ennis McLendon, a non-citizen.

Ray D. McLendon, opposite No. 788, child of Darrell F. McLendon, opposite No. 16035, upon the final roll of citizens by blood of the Choctaw Nation, and Cornell McLendon, opposite No. 1577, upon the final roll of citizens by intermarriage of the Choctaw Nation.

Jennie Louise Brandrick, opposite No. 724, child of Mary A. Trice, opposite No. 15887, upon the final roll of citizens by blood of the Choctaw Nation, and William M. Brandrick, non-citizen.

Hazel Melvin Beaver, Claud Benson Beaver and Herbert Howard Beaver, opposite No. 487, 488 and 489, respectively, children of Gertrude Beaver, opposite No. 16040 upon the final roll of citizens by blood of the Choctaw Nation, and Calvin Beaver, a non-citizen.

Effie Barnett, opposite No. 367, child of Amanda Isabella Sumpter, opposite No. 15646, upon the final roll of citizens by blood of the Choctaw Nation, and A. F. Barnett, a non-citizen.

Odis A. Kiefer and Herman Kiefer, opposite Nos. 790 and 791, respectively, children of Ardella Kiefer, opposite No. 18814, upon the final roll of citizens by blood of the Choctaw Nation, and Charles Kiefer, a non-citizen.

Josephine Leflore Long, Francis Long and Jake Leflore Long, opposite Nos. 921, 669 and 922, respectively, children of Forbis Long, opposite No. 14905, upon the final roll of citizens by blood of the Choctaw Nation, and Lonnie Long, a non-citizen.

CHICKASAWS BY BLOOD AND INTERMARRIAGE.

Gustavus A. Ramsey, opposite No. 514, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 123; denied by United States court for Southern district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Sallie J. Wargin, opposite No. 626, upon the final roll of citizens by intermarriage of the Chickasaw Nation; denied by Commission in 1896 in case No. 231; no appeal.

John R. Goldsby, Lizzie R. Goldsby and Bessie Goldsby,

opposite No. 4934, 4935, and 4936, respectively, upon the final roll of citizens by blood of the Chickasaw nation. All admitted by Commission in 1896 in case No. 264; admitted by United States court for Southern district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Decision of Commission of May 23, 1905, granting application affirmed by Department October 6, 1906 (I. T. D. 8148-1905).

Murray Milton Goldsby, opposite No. 4937, upon the final roll of citizens by blood of the Chickasaw nation. Born in 1898, and son of John R. Goldsby, opposite No. 4934.

Joe Perry and Dillard Perry, opposite Nos. 3813 and 3814, respectively, upon the final roll of citizens by blood of the Chickasaw Nation. Denied by Commission in 1896 in case No. 116; no appeal. Ordered enrolled as citizens by blood of the Chickasaw Nation by Department on October 10, 1906 (I. T. D. 18968-1906). The names of these persons formerly appeared opposite Nos. 367 and 368 upon the roll of Chickasaw freedmen, approved by the Secretary of the Interior December 12, 1902; and in the event their names are stricken from the approved roll of citizens by blood of the Chickasaw Nation, their names should be re-instated upon the Chickasaw freedmen roll.

Benjamin J. Vaughan, opposite No. 605, upon the final roll of citizens by intermarriage of the Chickasaw nation. Admitted by Commission in 1896 in case No. 92; admitted by United States court for Southern district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Edward A. Vaughan, Grover Cleveland Vaughan and Oscar B. Vaughan, opposite Nos. 4969, 4970 and 4971, respectively, upon the final roll of citizens by blood of the Chickasaw nation. Admitted by Commission in 1896 in case No. 92; affirmed by United States court; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

William T. Lancaster, opposite No. 612; upon the final roll of citizens by intermarriage of the Chickasaw nation. Admitted by Commission in 1896 in case No. 202; appealed to United States Court and affirmed; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

John W. Archord, opposite No. 622, upon the final roll of citizens by intermarriage of the Chickasaw nation. Admitted by Commission in 1896 in case No. 178; appealed to United States court for Southern district of Indian Territory and affirmed; no appeal to Choctaw and Chickasaw Citizenship Court.

James W. Ragland, opposite No. 631, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in case No. 88; appealed to United States court for Southern district of Indian Territory, and appeal dismissed. Action of Commissioner of October 25, 1905, enrolling applicant affirmed by the Department January 9, 1906 (I. T. D. 17488-1905).

Thomas St. John, opposite No. 696, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in Choctaw case No. 1089; no appeal. Patents recorded.

John Quincy Adams, opposite No. 628, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 2; denied by United States court for Southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Mary A. Shanks, opposite No. 629, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in case No. 219; admitted by United States court for Southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Clay McCoy, opposite No. 606, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 141; admitted by United States court for southern district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Directed to be enrolled by Department April 1, 1908 (I. T. D. 3128-1908).

The Indian Office, to which was referred your letter of the 27th ultimo for report, concurs in letter of March 2, 1907, in your recommendation that such names be stricken from the rolls.

The Department is compelled to rely upon your investigation as the act of April 26, 1906 (34 Stat., 137), provides in section 2 that the rolls of the Choctaw and Chickasaw nations shall be completed on or before the 4th day of March, 1907, and that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after such date. Assuming, therefore, that your information is correct, the names of the persons mentioned, not heretofore stricken from the partial rolls, are stricken from such rolls this day, notwithstanding any decision that may have been made by the Department in favor of such persons.

As recommended by you, the names of Joe and Millard Perry have been reinstated upon the Chickasaw freedmen roll, opposite Nos. 267 and 268.

The Department concurs in your views relative to the following persons:

Emma Mitchell and Allen Yates Mitchell, opposite Nos. 15655 and 15656, respectively, upon the final roll of citizens by blood of the Choctaw nation. Denied by Commission in 1896 in case No. 1299; no appeal. Patents recorded.

David K. Strickland and Myrtle P. Strickland, opposite Nos. 15919 and 15920, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 941; no appeal.

Nettie P. McMurtry and Martha K. McMurtry, opposite Nos. 15448 and 15449, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1324; no appeal. Homestead patents recorded.

Rufus Satterfield, opposite No. 15930, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1062; no appeal.

Charles William Thompson, opposite No. 4968, on the final roll of citizens by blood of the Chickasaw nation. Admitted by Commission in 1896 in case No. 162; admitted by United States court

for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

You state that such persons are minor children of duly enrolled citizens by blood of the Choctaw or Chickasaw Nation, and that the names of one parent of each of these children appears upon the final roll of citizens by blood of the Choctaw or Chickasaw nation approved by the Department prior to March 3, 1905, and that while under the opinion of the Attorney-General of February 19, 1907, it would appear that these children are not entitled to enrollment as citizens by blood of the Choctaw or Chickasaw nation under the acts of June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), you believe that such children can be enrolled under a provision of the act of March 3, 1905 (33 Stat., 1069), which is as follows:

"That the Commission to the Five Civilized Tribes is hereby authorized for sixty days after the date of the approval of this Act to receive and consider applications for enrollment of infant children born prior to September twenty-fifth, nineteen hundred and two , and who were living on said date, to citizens by blood of the Choctaw and Chickasaw tribes of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act, and to enroll and make allotments to such children."

In this the Department concurs, and as you suggest, the

names of these children will be permitted to stand as they are at present on the rolls of citizens by blood of these two nations.

If by inadvertence the name of anyone has been left on any partial roll after decision adverse to him was made by the Department prior to March 3, 1907, and since the opinion of the Attorney-General referred to, the name of such person will be stricken from the roll as of this date.

A copy of Indian Office letter of March 2, 1907, is inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

7-5715

Muskogee, Indian Territory, March 29, 1907.

Mary A. Foster,

Minco, Indian Territory.

Dear Madam:

You are hereby advised that in accordance with the opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior on March 4, 1907, directed the cancellation of your enrollment [redacted] the roll of citizens by intermarriage of the Choctaw Nation.

Your name has accordingly been stricken from copy of said roll in the possession of this office.

Respectfully,

Acting Commissioner.

7-5715

Muskogee, Indian Territory, June 7, 1907.

Ralls Brothers,

Attorneys at Law,

Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 23, 1907, requesting to be advised the cause of Mary A. Foster's name being stricken from the roll.

In reply to your letter you are advised that on February 19, 1907, the Attorney General of the United States rendered an opinion holding that decisions of the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896 were final when not appealed from.

It appearing that Mary A. Foster was denied by the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, and that no appeal was taken from this decision to the United States Court in Indian Territory, within the time provided by said act, the Secretary of the Interior on March, 4, 1907, directed the cancellation of the enrollment of Marcy A. Foster as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

COPY

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

Address only
The Secretary of the Interior.

G W W

January 19, 1909.

File S-31.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

November 30, 1908, the Supreme Court rendered decisions in what are known as the Goldsby and Allison cases. These suits were brought to obtain mandates against the Secretary of the Interior to correct the rolls as to said Goldsby and Allisons, on the ground that the Secretary of the Interior after placing their names upon approved rolls of citizenship had attempted to strike them from these rolls without notice and an opportunity to be heard. The decision of the Supreme Court is that mandate shall issue in these cases.

There are many suits of a similar nature pending against the Secretary of the Interior, and after careful conference between this Department and the Department of Justice it was decided that judgment should be allowed in all pending mandamus actions in which the relators stand clearly in the

same position as Goldsby and the Alfreds. Pursuant to these conferences and to the judgments which may be entered on account of the above decisions of the Supreme Court, you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes:

PERSONS WHO HAD PRIOR TO THE GOLDSBY DECISION IDENTIFIED SUITS THE PRINCIPLES OF WHICH ARE UNDOUBTEDLY SIMILAR TO THE OPINION OF THE SUPREME COURT IN THAT DECISION.

Chickasaws by Blood.

Roll No.	Name.	Suit No.	Court.
4984	Goldsby, John E.	248	U.S.S.C.
4985	Goldsby, Lemuel E.	50033	S.C.D.C.
4986	Goldsby, Bessie	50033	S.C.D.C.
4987	Goldsby, Murray M.	50033	S.C.D.C.
4969	Vaughan, Edward A.	372	U.S.S.C.
4970	Vaughan, Grover C.	372	U.S.S.C.
4971	Vaughan, Oscar S.	371	U.S.S.C.

Chickasaws by Intermarriage.

621	Adams, John Quincy	50033	S.C.D.C.
621	Lancaster, William T.	50033	S.C.D.C.
606	McCoy, Clay	49358	S.C.D.C.
631	Rayland, James W.	51025	S.C.D.C.
396	St. John, Thomas	50353	S.C.D.C.
605	Vaughan, Benjamin F.	373	U.S.S.C.

Cherokee by Blood.

Roll No.	Name	Roll No.	Court
15027	Adams, Wiley	30033	S.C.D.C.
16048	Autrey, Columbus S.	49722	S.C.D.C.
16040	Beaver, Gertrude	30033	S.C.D.C.
16041	Beaver, Clarence	30033	S.C.D.C.
16042	Beaver, Nellie	30033	S.C.D.C.
16043	Beaver, Myrtle	30033	S.C.D.C.
15917	Beagles, Nellie F.	30033	S.C.D.C.
15911	Crowder, Van	30033	S.C.D.C.
15910	Crowder, Willie	30033	S.C.D.C.
15909	Crowder, Selzani	30033	S.C.D.C.
15908	Crowder, Joe	30033	S.C.D.C.
15907	Crowder, Louisa	30033	S.C.D.C.
15906	Crowder, George W.	30033	S.C.D.C.
16050	Green, Teddy	49724	S.C.D.C.
16049	Green, Lenora	49724	S.C.D.C.
16033	Howard, Thomas J.	30033	S.C.D.C.
16034	Howard, Herman	30033	S.C.D.C.
16035	Howard, Lennie	30033	S.C.D.C.
16036	Howard, Mary	30033	S.C.D.C.
16037	Howard, Elmer	30033	S.C.D.C.
16038	Howard, Bettie Perney	30033	S.C.D.C.
16039	Howard, Vera Lee	30033	S.C.D.C.
13451	James, (ex Richardson), Maggie M.	30033	S.C.D.C.

Roll No.	Name.	Suit No.	Court.
15482	James, Ellis R.	50033	S.C.D.C.
15483	James, Amaimarie	50033	S.C.D.C.
15484	James, Evaline	50033	S.C.D.C.
15961	James, Agnes	50033	S.C.D.C.
15394	Kirk, Gabrielle	50033	S.C.D.C.
15393	Kirk, Sarah	50033	S.C.D.C.
15953	Shelton, Emma	51240	S.C.D.C.
15952	Shelton, Frank	51240	S.C.D.C.
15645	Sumpter, John	50033	S.C.D.C.
15646	Sumpter, Amanda Isabella	50033	S.C.D.C.
15647	Sumpter, Jim Andy	(50033 51240	S.C.D.C
15648	Sumpter, Scott Taylor	50033 51240	S.C.D.C.
15649	Sumpter, Dixon D.	51240	S.C.D.C.
15912	Wright, Betsy	50033	S.C.D.C.
15913	Wright, Thomas R.	50033	S.C.D.C.
15914	Wright, Mary M.	50033	S.C.D.C.
15915	Wright, Lenard D.	50033	S.C.D.C.

Choctaws by Marriage.

1628	Allen, Andrew J.	50033	S.C.D.C.
1409	Atwood, Chester C.	50033	S.C.D.C.
1475	Beal, Andrew	50047	S.C.D.C.
1408	Bowling, Mary M.	51026 50033	S.C.D.C.

Act of Con. Denied.

Act of June 26, 1906.

367	Barnett, Effie (5)	30033	S.C.D.C.

Roll No.	Name.	Cert. No.	Court.
1543	Carter, John W.	30034	S.C.D.C.
1464	Cummings, Henry A.	30033	S.C.D.C.
1524	Crowder, Parlee C.	30035	S.C.D.C.
1538	Harris, Calvin C.	49725	S.C.D.C.
1576	Howard, Carrie	30033	S.C.D.C.
1399	Kirk, W. W.	30034	S.C.D.C.
290	Klugh, August	30033	S.C.D.C.
1027	Perkins, Hattie A.	30363	S.C.D.C.
1491	Reichert, William	31026	S.C.D.C.
1406	Rice, Ambrose L.	376	S.C.W.D.
1423	Shults (or Shultz) Fannie	31026	S.C.D.C.
1495	Shelton, John	30046	S.C.D.C.
1469	Sumpter, Jacob D.	30033	S.C.D.C.
340	Travis, Robert A.	30048	S.C.D.C.
1403	White, Angelina	31026	S.C.D.C.
662	Woodward, Charles A.	49494	S.C.D.C.

Minor Shoshone.

Act of Congress Approved April 26, 1906.

367	Barnett, Effie	30033	S.C.D.C.
487	Beaver, Hazel Calvin	30033	S.C.D.C.
458	Beaver, Claud D.	30033	S.C.D.C.
459	Herbert, Howard	30035	S.C.D.C.
674	Crowder, Nettie Myrl	30033	S.C.D.C.
686	Green, Lee	49724	S.C.D.C.
283	Wright, Minnie Jane	30033	S.C.D.C.

Cherokees by Blood.

Roll No.	Name.	Suit No.	Court.
31940	Allison, John	49434	S.C.D.C.
31940	Allison, Johnnie S.	49435	S.C.D.C.
31941	Allison, Frankie P.	49437	S.C.D.C.
31956	Allison, Ida B.	249	U.S.S.C.
31957	Allison, George A.	250	U.S.S.C.

A careful investigation of these names concerning which no suits were brought, but which, after being upon an approved roll of citizens or freedmen of any of the Five Civilized Tribes, were stricken therefrom without notice and an opportunity to be heard, has thus far developed a list which undoubtedly falls within the principles expressed by the Supreme Court in the Goldsby decision. All these persons are in the same position as those named in the above list of those who had filed suits prior to that decision. It follows necessarily that, if suits were instituted in these cases, judgment must be allowed as was done in the case of the names on the above list. For this reason I have decided that it would be improper to delay the correction of the rolls as far as these persons are concerned. Such delay would continue the rolls in an incorrect condition according to the opinion of the Supreme Court, would bring hardship and expense upon the citizens and freedmen involved, and would delay completion of the work of the Commission to the Five Civilized Tribes.

The correction of the rolls in these cases does not add names to the rolls, but merely erases from the rolls interlineations and notations which the court says the Secretary of the Interior has no power to place there. For these reasons you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes:

PERSONS WHO HAD NOT INSTITUTED SUITS PRIOR TO THE GOLDSBY DECISION BUT WHOSE CASES FALL INDUBITABLY UNDER THE PRINCIPLES OF THAT DECISION.

Chickasaws by Blood.

Roll No.	Name.	Roll No.	Name.
5013	Perry, Joe	5014	Perry, Dillard

Chickasaws by Marriage.

622	Archard, John W.	629	Weeks, Mary A.
626	Hargis, Sallie J.	514	Ramsey, Gustavus A.

Choctaws by Blood.

16103	Allen, Elizabeth	16110	Crutchfield, Lentitia
16112	Dungarner, George A.	16106	Crutchfield, Everet
16025	Crowder, John A.	16111	Crutchfield, George
15924	Crowder, Finkie B.	15950	James, Alice M.
15925	Crowder, Katie B.	15972	Jennings, Arthur
15921	Crowder, Eli W.	15973	Jennings, Clyde
15922	Crowder, James	15916	Keifer, Estella
15906	Crowder, Winnie Gertrude	16005	Long, James M.
15904	Crowder, John F.	16004	Long, Joseph

Roll No.	Name.	Roll No.	Name.
15903	Crowder, William H.	16096	Long, Bertie
15902	Crowder, Rosa	961	Long, Josephine Bellaire
15901	Crowder, Maggie	962	Long, John Lafleur
15900	Crowder, Abigail	9259	Polsworth, Henry
15899	Crowder, William J.	15926	Randall, Grover
16105	Crutchfield, Ida	16104	Ritter, David
16107	Crutchfield, Ina	15886	Robinson, Mary E.
16108	Crutchfield, Lowrinia	15921	Shelton, Daisy
16109	Crutchfield, William	15857	Tried, Mary A.

Absentees by Marriage.

1486	Beagles, Allen	1414	McClure, Madell
1537	Burkhalts, Jeanette E.	1214	McCubbey, Martha J.
1589	Choate, Amanda	1407	Mahaffey, Lucy
1412	Crowder, Lydia Ann	1589	Cox, Julia
1523	Crowder, Josephine	1419	Purton, William B.
966	Foster, Mary A.	1496	Raben, Robert L.
1421	Freeny, Mattie	1490	Reding, Nila
1489	Gunn, William Newton	1478	Rigney, Rosa E.
1518	Gray, John Calvin	1219	Roberts, George W.
1216	Gunter, Benjamin R.	1531	Robinson, Frederick R.
1480	Kelly, William F.	1383	Russell, Mattie M.
1476	Lewis, Vicey	1127	Smith, Ira L.
1150	Lindsey, Selden T.	1481	Staton, John T.

1406	Merryman, Sarah	666	Sutherland, Henry
1218	Mitchell, Virginia P.	1470	Tucker, William H.
1519	Mitchell, Mattie S.		
1416	Moran, Mary	1468	Vincent, Charlie S.

Minor Showing Siblings.

Roll No.	Name.	Roll No.	Name.
724	Brandrick, Jennie Louise	791	Kiefer, Harmon
4	Crowder, Rufus Clay	669	Long, Francis
790	Kiefer, Odie A.		

Cherokee by Blood.

31958	Allison, Elmer C.	31959	Allison, Jasper P.

In order that the action of erasures may be uniform for all names and upon all rolls, you will make such erasures in the following manner: The lines drawn through and purporting to cancel the names from the rolls shall be lined out by drawing across them short transverse lines in red ink. The notations purporting to cancel the names from the rolls shall be lined out by drawing through each line of said notations red horizontal lines. In addition to lining out the interlineations and notations you will insert a note at the foot or side of each page containing any of these corrections, said note to be indicated by stars placed before the names involved. The note shall read as follows:

"Words and lines purporting cancellation erased by authority of departmental letter of January 19, 1909 (File 8-61)."

You will notify all persons, whose status on the rolls

has been recognized as above, of the action taken, and that they have all the rights to allotment and payments enjoyed by other citizens, as though no attempt had ever been made to conceal their names from the rolls.

Except for the Alliscns named in above lists, I am not ready to give you a list of the Cherokees and Creeks whose status upon the rolls will be corrected under the principles of the Goldsby decision. Direction concerning them will follow within a week.

There are other names which were upon approved rolls and were erased or stricken therefrom by the Secretary of the Interior without notice. Some of these are already the subject of injunction or mandamus actions against the Secretary of the Interior, and in other cases such action has not been instituted. There are reasons which make it doubtful whether these persons fall indubitably under the principles of the Goldsby decision. Careful consideration of the matter will be given at once, and, according to the decision reached in each case, the persons involved will be left to such court action as they deem wise or will have the rolls corrected by departmental action in the manner indicated for the two lists set forth above.

A sample page is inclosed, showing the method of erasure to be followed by all officers in the correction of the rolls.

Very respectfully,
(Signed) James Rudolph Garfield.
Secretary.

7-5715
B- 985

Muskogee, Oklahoma, February 6, 1909.

Mary A. Foster,

Minco, Oklahoma.

Madam:

I am instructed by the Department of the Interior that your case falls within the principles of the decision of the Supreme Court of the United States in the case of John E. Goldsby et al., seeking to have their names restored to the rolls of citizens of the Choctaw and Chickasaw Nations, and that the notations striking your name from the roll of citizens by intermarriage of the Choctaw Nation shall be erased and that you have all the rights to allotment and payments enjoyed by other citizens as if no attempt had ever been made to cancel your name from this roll.

Said instructions have been carried our by this office, and you are now advised that the status of your name on the approved roll of citizens of the Choctaw Nation and of your allotment selection in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that your name be stricken from the roll.

Respectfully,

Acting Commissioner.

WHA(CM)

Choc 5716 John Abe Foster

5716

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I.T. October 16, 1902.

Choctaw D-96.

In the matter of the application of John Abe Foster for the enrollment of himself and his two minor children, William Thomas, and John Wesley Foster, and his minor grand child Eva May Foster, as citizens by blood of the Choctaw Nation and for the enrollment of his wife Minnie B. Foster as a citizen by intermarriage of the Choctaw Nation.

John Abe Foster first duly sworn testified:

Examination by the Commission.

Q What is your name? A John Abe Foster.
Q How old are you? A Forty four.
Q What is your post office address? A Newcastle, I.T.
Q You are an applicant to this Commission for the enrollment of yourself and two children, William Thomas, and John Wesley Foster as citizens by blood, and for the enrollment of your wife Minnie B. Foster as a citizen by intermarriage of the Choctaw Nation? A No, sir; by adoption for my wife.
Q Well she was adopted as a white woman? A Yes, sir.
Q Your son William Thomas is married and has a child Eva May has he? A Yes, sir.
Q You and your wife and your two children and this grand child all live together in the Chickasaw Nation? A Yes, sir.
Q How did you become a citizen of the Choctaw Nation? A By act of the Council.
Q When? A In '88.
Q Where were you living at that time? A In Texas at that time.
Q How many of your family were adopted by this act of the Council? A The whole family, I don't know how many there was.
Q All of your own family? A Three of us.
Q Who were they? A Myself, my wife, and oldest child.
Q The youngest child, John Wesley, has been born since the act of admission? A Yes, sir.
Q Where were you living at the time you were admitted? A Texas.
Q How long after the act of admission did you remove to the Indian Territory? A The next Spring.
Q Did you remove to the Chickasaw Nation? A Yes, sir.
Q Have you and your wife and children resided continuously in the Chickasaw Nation since you removedhere? A Yes, sir.
Q You and this woman have lived together as man and wife? A Yes, sir.
Q No separation, desertion or divorce? A No, sir.
Q You and this woman and children now actual bonafide residents of the Chickasaw Nation? A Yes, sir.
Q After you removed here did you ever remarry Minnie B. Foster in accordance with the tribal laws? A No, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 29 day of October 1902.

Notary Public.

M A R R I A G E L I C E N S E.

Mr.J.A.Foster
To
Miss Minnie B Paul

Be it remembered,that on this 12 day of April 1876,the following Marriage License was issued,to-wit:

S T A T E O F T E X A S.#
#ss.
C O U N T Y O F - Bosque #

To all who shall see these preesents--Greeting: Know ye,that any person legally authorized to celebrate the Rites of Matrimony,is hereby licensed to join in Marriage,as Husband and Wife,Mr.J.A.Foster and Miss M.B.Paul and for so doing this shall be his sufficient authority. In testimony whereof,I,Jno James Clerk of the County Court of Bosque County hereunto subscribe my name and affix the seal of said Court,this 12 day of April 1876.

(seal)

Jno.James Clerk.

By L.H.Coon Deputy Clerk.

Be it further remembered,that on this 16" day of April 1876 the following certificate was filed in my office,to-wit:

State of Texas#
ss.
County of Bosque #

I hereby certify,that I joined in Marriage,as Husband and Wife,Mr.J.A.Foster and Miss Minnie B Paul on the 12 day of April 1876.

A.M.Dean M.G.

The State of Texas#
County of Bosque #

I,C.W.Tidwell,Clerk of the County Court in and for Bosque County,Texas,do hereby certify that the above and foregoing is a true and correct copy of the Marriage License of Mr.J.A.Foster and Miss Minnie B Paul as the same appears of record in Book D on page 80 of the Marriage records of Bosque County Texas. Given under my hand and seal of office at Meridian,Texas.this the 3rd: day of Octtober 1896.

C.W.Tidwell

Clerk County Court Bosque County Texas

By L.L.Winsett Deputy.

7-5716.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie B. Foster as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant, Minnie B. Foster (nee Paul), claims rights as a citizen by intermarriage of the Choctaw Nation, by virtue of her marriage on April 12, 1878, with John Abe Foster, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15087 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 26, 1904.

It further appears from the record herein that the applicant, Minnie B. Foster (as Minnie Foster), with others, was admitted to citizenship in the Choctaw Nation, as a citizen by intermarriage, by an act of the General Council of said nation, approved November 5, 1888, a certified copy of said act being filed with and made a part of the record in this case, and that the applicant and the said John Abe Foster lived together continuously as husband and wife in the Chickasaw Nation from the date of the said admission of the applicant herein up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, Chickasaw District, number 14553, enrolled thereon as a citizen by intermarriage of said nation.

It is, therefore, the opinion of this Commission that Minnie B. Foster should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 24 1904

Choctaw 9716

copy.

Muskogee, Indian Territory, June 21, 1904.

Minnie B. Foster,

Newcastle, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Registered.

Incl. 7- 9716.

Choctaw 5716

COPY.

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 21, 1904, granting the application of Minnie B. Foster for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7- 5716.

C O P Y

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A.Paul 35 years of age, their children Wade Mardie Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W.F.Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased,also Ephriam Foster about 58 years of age, his wifeAmanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named--also James M. Campbell 36 years of age, his wife S.F.Campbell 39 years of age, their children J.L.Campbell 14 years of age, C.R.Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S.Campbell aged 4 years, Minnie Campbell aged 3 months,their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years,also their married daughter Ella White nee Campbell aged 16 and her husband J.E.White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and

his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William H. Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 8 years, John S. Paddock aged 3 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Ella Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B.James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

B. F. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F.Foster and others", now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : set.
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public w thin and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full,true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 20 day of June 1902.

(Signed) Clara Mitchell Wood.

(SEAL)

(COPY) D-29.

An Act to Establish the Citizenship of W. F. Foster and Others.

Be it enacted by the General Council of the Choctaw Nation assembled, that William F. Foster, 31 years of age, his wife Mary Foster, 25 years of age, their children John A. Foster, 8 years of age, Robert E. Foster, 5 years of age and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caladonia Paul(nee Foster) 33 years of age, her husband W. A. Paul, 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age , Lidie Paul, 5 years of age, Delie Paul 3 years of age, and Claude Paul aged 7 months, Also Mollie Williams (nee Foster), 31 years of age, her husband W. F. Williams 26 years of age, their children Lula Williams 3 years of age, and Ollie Williams 1 year old. Also Alice (Thomas) Thompson (nee Foster) 19 years of age, her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year. Also Lula Foster aged 3 years, orphan daughter of James Foster deceased. Also Samuel Foster aged 13 years and William F. Foster, Jr., aged 11 years orphan children of Samuel D. Foster deceased. Also Ephraim Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children, Edna Foster, 17 years of age, Ida Foster 15 years of age and E. C. Foster 13 years of age. The said Ephriam Foster being the father and grandfather of the Fosters named, Also James M. Campbell 38 years of age, his wife S. F. Campbell, 39 years of age, their children J. L. Campbell 14 years of age, C. R. Campbell 12 years of age, T. A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S. S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones (nee Campbell) aged 18 years, her husband William Jones aged 25 years, their daughter Mary Jones aged 2 years. Also their married daughter Ella White (nee Campbell) aged 16 years, and her husband J. E. White 30 years of age, Also Ephraim F. Campbell aged 26 years, his daughter Ella Campbell aged 13 years and his son

William Campbell aged 6 years. Also Eliza C. Paddock(nee Campbell) aged 34 years, her husband Reuben Paddock, aged 38 years, their children Nancy J. Paddock, aged 17 years, James L. Paddock, aged 15 years, William H. Paddock, aged 12 years, Reubed W. Paddock, aged 10 years, Eliza Ellen Paddock aged 13 years, John S. Paddock aged 3 years. Also Jane Kirkindoll (nee Campbell), 30 years of age, her husband Joseph Kirkindoll aged 37 years, their son aged about 6 years (name not remembered) The above nemed Campbells being the the children and grandchildren of Ellen Campbell (nee Foster) now deceased, who was the sister of Ephraim Foster aforesaid, are hereby admitted to citizenship in the Choctaw Nation with all of its rights, privileges immunities, and this act shall take effect and be in force from and after its passage.

A. B. James, Chair.

Com. on Citizenship.

Approved Nov. 5th, 1885.

B. F. Smallwood,

Principle Chief, Choctaw Nation.

I hereby certify that the above is a true and correct copy of of the original act now on file in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of the Choctaw Nation.

Done at Tushka Homma, this the 5th, day of Nov. A.D. 1888.

A. Teile,
National Secretary,
Choctaw Nation.

(COPY)

United States of America,)
Indian Territory.) ss.
Southern District.)

I, Joe B. Wilkinson, Notary Public in and for said Territory Dist. do hereby sertify that this is a true and correct copy of a copy certified to by J. M. Campbell on 26th, day of Aug. A.D. 1896.

This 17th, day of Nov. 1897.

Joe B. Wilkinson.

Notary Public.

(SEAL)

7-D-96.

Muskogee, Indian Territory, December 16, 1903.

W.T. Foster,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, relative to the appointment of an administrator for your daughter, Eva May Foster, who died November 19, 1903.

For the purpose of making her death a matter of record, there are herewith enclosed you a blank for proof of death and envelope for return of same when properly executed.

You will note there is an affidavit for a relative and an acquaintance. In having same executed, be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write, and their signatures are by mark, that such signatures are attested by two disinterested parties, witnesses thereto.

The notary public before whom the same are acknowledged must affix his notarial jurat and seal to each separate affidavit.

Relative to the appointment of an administrator for your

daughter, your attention is invited to the following provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

> "If any person whose name appears upon the rolls, prepared as herein provided, shall have died subsequent to the ratification of this agreement and before receiving his allotment of land the lands to which such person would have been entitled if living shall be allotted in his name, and shall, together with his proportionate share of other tribal property, descend to his heirs according to the laws of descent and distribution as provided in chapter forty-nine of Mansfield's Digest of the Statutes of Arkansas: Provided, That the allotment thus to be made shall be selected by a duly appointed administrator or executor. If, however, such administrator or executor be not duly and expeditiously appointed, or fails to act promptly when appointed, or for any other cause such selection be not so made within a reasonable and practicable time, the Commission to the Five Civilized Tribes shall designate the lands thus to be allotted."

It appears from our records, however, that your wife and minor children have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and no opinion or decision has yet been rendered in their case.

Respectfully,

Acting Chairman.

Env.

D.C.

7-3-66.

Muskogee, Indian Territory, January 21, 1905.

William T. Foster,

Newcastle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit and that of R. Gratter relative to the death of your minor child, Eva May Foster, which occurred November 19, 1903; and the same being in proper form have been duly filed with the records of the Commission as evidence of death of the above named person.

Respectfully,

Commissioner in Charge.

Choc 5717 William Thomas Foster

Mattie Bell Foster Transferred from
Choctaw D 1002 Nov 26, 1904

1

L165

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T. November 3, 1902.

Original.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Mattie Bell Foster.

W. I. Cruce, attorney for applicant.

Mattie Bell Foster being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Mattie Bell Foster.
Q What is your age? A Twenty-four.
Q What is your post office address? A Newcastle.
Q Are you a citizen by blood of the Choctaw or Chickasaw Nations? A No, sir.
Q On what grounds do you claim the right to enrollment? A Why by marriage I suppose.
Q What is the name of your husband through whom you claim the right to enrollment as a citizen by intermarriage? A William Thomas Foster
Q Is he a citizen of the Choctaw or Chickasaw Nation? A Choctaw Nation.
Q Where was he residing at the time of his marriage to you? A Minco.
Q What Nation is Minco in? A Chickasaw.
Q He had been making his residence in the Chickasaw Nation? A Yes, sir.
Q When were you married to him? A The 19th of December.
Q Where were you married? A El Reno, Oklahoma.
Q Married under a license issued under the laws of the territory of Oklahoma? A Yes, sir.

The Commission has no jurisdiction in the case.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 3, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 4 day of November 1902.

R. B. Jackson

Notary Public.

DEPARTMENT OF THE INTERIOR.

In Re.)
)
Application of Mattie B.)
Foster, for enrolment as an inter-married)
citizen of the Choctaw Nation.)

To the Honorable, the Commission to the Five Civilized Tribes:

Your petitioner, Mattie B. Foster, respectfully represents and shows that she was formerly Mattie B. Crotzer, a citizen of the United States, and a resident of the town of Ardmore, Chickasaw Nation, Indian Territory; that on the 19th day of December, 1900, she was duly and lawfully married to William T. Foster, a citizen and member of the Choctaw Tribe of Indians, recognized and enroled as such by this Commission; that at the time of said marriage petitioner was a resident of the Chickasaw Nation, and a teacher in a college at Minco, Indian Territory; that petitioner and said William T. Foster lived together as husband and wife until October, 1903, at which time she was compelled to leave the said William T. Foster and seek a home with her parents at the town of Ardmore, for the reason that the said William T. Foster had become violently insane, the result of a blow on the head, cause from being thrown from his horse, and the life of petitioner and her child was in constant danger.

That there was born to petitioner and her said husband as the fruits of said marriage a child, Eva May Foster, who was recognized and enrolled as a member of the Choctaw Tribe of Indians, and who died on the 19th day of November, 1902, and a child Raymond Booth Foster, who is now alive, and living with petitioner.

That this petitioner, on the 2nd day of November, 1902, appeared in person before this honorable Commission, at the town of Tishomingo, and then and there applied to be enrolled as an inter-married citizen of the Choctaw Nation, as the wife of said William T. Foster; but that the clerk in charge, representing this commission, (Mr. P. B. Hopkins) refused absolutely and unqualifiedly to hear any testimony or to act upon said application.

That petitioner can prove all of said facts by divers witnesses, and here offers to prove the same before this commission at such time and place as may be ordered;

That a certified copy of the ma riage license and certificate of marriage of petitioner and the said William T. Foster is now on file with this commission, but an additional certified copy os hereto attached and made a part hereof.

Wherefore, petitioner prays that a hearing before ordered on this petition, and that she be admitted and enrolled as an i ter-married citizen of the Choctaw Nation.

Grace, Grace & Bleakmore.
Attorneys for petitioner.

Indian Territory,)
)ss.
Southern District)

Mattie B. Foster being duly sworn, says on her oath that she is the petitioner named in the foregoing petition; that she knows the contents of said petition, and that the matter and things therein set forth are true and correct.

Mattie B. Foster.

Subscribed and sworn to before me this the 12th day of September, 1904.

Roberta Hilbock
Notary Public.

MARRIAGE LICENSE.

Probate Court of Canadian County, Oklahoma, To any person Authorized to perform the Marriage Ceremony, Greeting.

You are hereby authorized to join in marriage:
W. T. Foster of Ind. Ter. aged 19 years, and
Mattie B. Crotzer of Ind Ter. aged 23 years and of this license you will make due return to my office within thrity days from this date.

WITNESS my hand and official seal this 19th day of December, A. D. 1900.

W. H. Grigsby,
Probate Judge.

CERTIFICATE OF MARRIAGE.

I. W. H. Grigsby, a Probate Judge, of Canadian County, Oklahoma Territory, do certify that I joined in marriage the persons named in and authorized by this license to be married on the 19th day of December, 1900 at El Reno in Canadian County, Oklahoma Territory, in the presence of T. F. Hensly of El Reno, O. T. and John J. Carney of El Reno, O. T.

T. F. Hensly)
) Witnesses.
John J. Carney.)
)

W. H. Grigsby,
Probate Judge.

Territory of Oklahoma, Canadian County, ss.

I, J. I. Phelps, Probate Judge within and for the above named County and Territory hereby certify that the above and foregoing is a true and correct copy of the Marriage License and Marriage Certificate of the parties therein named as the same appears of record on page 54 of Marriage Record number 4, in my office.

Given under my hand and seal, this 5th day of Sept., 1904.

J. I. Phelps
Judge of the Probate Court.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mattie Bell Foster for enrollment as a citizen by intermarriage of the Choctaw Nation.

O R D E R .

From the papers submitted in this matter it appears that Mattie Bell Foster was, on December 19, 1900, married, under a license issued by the Probate Judge of Canadian County, Oklahoma Territory, to W. T. Foster. Said W. T. Foster as William Thomas Foster, has been enrolled by the Commission to the Five Civilized Tribes as a citizen by blood of the Choctaw Nation, and his name appears upon the schedules of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior March 26, 1904, opposite Number 15089.

At the time of the said marriage William Thomas Foster was a resident of the Chickasaw Nation, Indian Territory, and was recognized by the tribal authorities of the Choctaw Nation as a citizen by blood of that tribe, his name appearing upon the 1896 Choctaw Census Roll opposite Number 4599 as a resident of the Chickasaw District.

On November 3, 1902, the applicant, Mattie Bell Foster, appeared before the Commission at Tishomingo, Indian Territory, for the purpose of making application for enrollment as a citizen by intermarriage of the Choctaw Nation. The Commission at that time, in accordance with the provisions of the thirty fourth section of the act of Congress approved July 1, 1902, (32 Stat.,641) refused to entertain jurisdiction of her application, for the reason that she had not been married to William Thomas Foster in accordance with the laws, customs and usages of the Chickasaw Nation, of which nation her hus-

band was a resident at the time of said marriage and had not submitted her application for enrollment as an intermarried citizen of the Choctaw Nation prior to September 25, 1902.

After a further consideration of this matter I am of the opinion that the application sought to be made by Mattie Bell Foster at Tishomingo, Indian Territory, on November 3, 1902, is sufficient to now be construed as an application for her enrollment as an intermarried citizen of the Choctaw Nation.

It is therefore ordered that the papers in this matter be received and considered by the Commission as an application for the enrollment of Mattie Bell Foster as a citizen by intermarriage of the Choctaw Nation and that she be allowed to introduce such additional testimony as she desires in support thereof and that disposition thereof be made as such.

The Commission to the Five Civilized Tribes



Chairman.

Muskogee, Indian Territory,
September 29, 1904.

7-D-1002.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, OCTOBER 13, 1904.

In the matter of the application for the enrollment of Mattie Bell Foster as a citizen by intermarriage of the Choctaw Nation.

Mattie Bell Foster having been first duly sworn on oath testified as follows:

Examination by the Commission.

Q What is your name? A Mattie Bell Foster.
Q How old are you Mrs Foster? A I will be 27 years old next Chistmas.
Q What was your father's name? A Robert Crotzer.
Q Is he living? A Yes sir.
Q What is your mother's name? A Joanna Crotzer.
Q I s she living? A Yes sir.
Q Is your father a white man? A Yes sir.
Q And your mother is a white woman? A Yes sir she's a white woman.
Q What is your post office address? A Ardmore.
Q You claim no rights as an Indian by blood? A No sir by marriage.
Q You claim your right as a citizen by intermarriage don't you? A Yes sir.
Q Through whom do you claim your rights as an intermarried citizen? A William Thomas Foster.
Q Was he a Choctaw Indian? A Yes sir.
Q Is he on the final rolls? A Yes sir.

The name of William Thomas Foster, the Choctaw Indian , through whom the applicant claims rights as an intermarried citizen is identified upon Choctaw Field card 5717 and is number 15089 upon the final rolls approved by the Secretary of the Interior March 26, 1904.

Q Were you ever married prior to your marriage to W. T. Foster? A No sir.
Q Was W. T. Foster ever married prior to his marriage to you? A No sir neither one of us were ever married before.

Q When were you married ? A In 1900.
Q Do you know the date you were married? A December 19, 1900.
Q Where were you married? A At ElReno, Oklahoma.
Q At the time you were married to W. T. Foster where were you living? A I was living at Minco; I was teaching Music there.
Q At Minco; that is in the Chickasaw Nation? A Yes sir in the Chickasaw Nation.
Q At the time you were married where was W. T. Foster living? A He was living at Minco.
Q In the Chickasaw Nation? A Yes sir.
Q You and your husband, W. T. Foster, were both residents of the Chickasaw Nation at the time you were married were you? A Yes sir.
Q Have you the original marriage license? A You have it; it was sent in when my first child was born-Eva May.
Q Is that your original marriage license and certificate?
A Yes sir.
Q You are the Miss Mattie Bell Crotzer mentioned in that certificate are you? A Yes sir.
Q W. T. Foster the name of the man mentioned in that certificate is the man through whom you claim your rights as an intermarried citizen of the Choctaw Nation is it? A Yes sir.
Q Where did you live from the date of your marriage up to and until September 25, 1902? A We lived on a farm at a little place called New Castle
Q In the Chickasaw Nation? A Yes sir.
Q From the time of your marriage in December 1900 did you and W. T. Foster live together as husband and wife up to and until September 25, 1902? A Yes sir we lived together during that time.
Q In the Chickasaw Nation? A Yes sir.
Q Did you make your home any where else during that time?
A No sir.
Q You are now a resident of the Chickasaw Nation are you?
A Yes sir.
Q When did you first make original application to this Commission as a citizen by intermarriage of the Choctaw Nation?
A November 1902.
Q At Tishomingo? A Yes sir.
Q Were you sworn and examined at that time? A Yes sir.
Q Examined under oath were you? A Yes sir.

Witness Excused.

Mattie V. Vaughn, being first duly sworn, upon her oath states: That as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 13th day of October 1904 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Mattie V. Vaughn,

Subscribed and sworn to before me this 13th day of October 1904.

Charles T. Summers
Notary Public.

F.R.B.
36D

7-D-1002.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie Bell Foster as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record in this case that, on December 19, 1900, the applicant, Mattie Bell Foster (nee Crotzer), was lawfully married to William Thomas Foster, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15089 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on March 26, 1904; that they were married under the laws of the Territory of Oklahoma; that at the time of said marriage both parties above mentioned were residents in good faith of the Chickasaw Nation; and that they lived together continuously as husband and wife from the date of their marriage up to and including September 25, 1902, as bona fide residents of the Chickasaw Nation.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Ella Jones (I.T.D. 6818-1904), Mattie Bell Foster should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Muskogee, Indian Territory,
NOV 9 - 1904

Commissioner.

Choctaw D 1002

Muskogee, Indian Territory, November 9, 1904.

Mattie Bell Foster,

Ardmore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGN D

Tams Bixby

Chairman.

Registered.

Incl. 7-D-1002.

Choctaw D 1008

Muskogee, Indian Territory, November 9, 1904.

Cruce, Cruce & Bleakmore,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen.

You are hereby notified that the Commission to the Five Civilized Tribes, on November 9, 1904, rendered its decision, granting the application for the enrollment of Mattie Bell Foster as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.

Choctaw D 1002

COPY.

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 9, 1904, granting the application for the enrollment of Mattie Bell Foster as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-D-1002.

Muskogee, Indian Territory, June 29, 1904.

Cruce, Cruce & Bleakmore,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 22, in the matter of the application of Mattie B. Foster, wife of Willie T. Foster, for enrollment as an intermarried citizen of the Choctaw Nation. You state that this applicant appeared before the Commission within the time allowed for the purpose of making applications but was not permitted to complete her statement in the case and you ask that she now be permitted to complete her testimony in this case.

In reply to your letter you are advised that the question involved in the application of Mattie B. Foster for enrollment as an intermarried citizen of the Choctaw Nation is now pending before the Department and until the Commission is advised of the action taken in this case by the Secretary of the Interior no further action can be taken in the matter of the application of Mattie B. Foster for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Choctaw D

Muskogee, Indian Territory, August 8, 1904.

Cruce, Cruce & Bleakmore,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of August 2, in which you refer to the application of Mattie Foster, wife of Willie Foster, to enrollment as an intermarried citizen of the Choctaw Nation, and request that you be permitted to introduce testimony in support thereof during the appointment of the Commission at Tishomingo, Indian Territory, September 8 and 9, 1904.

In reply to your letter you are advised that the Commission will hear such testimony as you desire to introduce in this case at Tishomingo, Indian Territory, September 8 and 9, 1904.

Respectfully,

Commissioner in Charge.

T 0102.

Muskogee, Indian Territory, September 30, 1904

Cruce, Cruce & Bleakmore,
Attorneys at Law,
Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the twelfth instant inclosing the petition of Mattie B. Foster for enrollment as an intermarried citizen of the Choctaw Nation, together with a certified copy of the marriage license and certificate between W. T. Foster and Mattie B. Crotzer.

In connection with the application of Mattie Bell Foster for enrollment as an intermarried citizen of the Choctaw Nation there is inclosed you herewith copy of order of the Commission entered September 29, 1904, to the effect that such papers as have heretofore been received in this matter be considered as a formal application for the enrollment of Mattie Bell Foster as an intermarried citizen of the Choctaw nation and that she be allowed to introduce such additional testimony as she desires to submit in support of such application, and that disposition thereof be made as such.

You are requested to procure the personal reappearance of Mattie Bell Foster before the Commission at its office in Mus-

G C & S 2

Koged, Indian Territory, at the earliest practicable date, in order that she may testify relative to her right to enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

AE 3-20

7-273
7-B-786
7-B-1008

Muskogee, Indian Territory, October 18, 1904.

Cruce, Cruce & Bleakmore,

Attorneys at Law.

Ardmore, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 13th instant, requesting that when decisions are rendered in the matter of the application for enrollment of Katie Turner, Major Franklin Reed, and Mattie Bell Foster as intermarried citizens of the Choctaw Nation, notices of the action of the Commission in each case be forwarded to your address.

Your request in the matter will be complied with.

Respectfully,

Chairman.

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 41 years of age his wife Mary Foster 35 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 8 months, also John Abram Foster 32 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age, her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 28 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 3 years, also their married daughter Ella White Nee Campbell aged 16 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Nila Campbell aged 13 years, and his son William Campbell aged 8 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 37 years, James L. Paddock aged 18 years, William H.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 3 years, John S. Paddock aged 3 years, also Jane Haymsdall nee Campbell 30 years of age her husband Joseph Haymsdall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Ella Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

E.F. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer.
National Secretary.
Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT. }

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-83 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 20 day of June 1902.

Clara Mitchell Wood

TERRITORY OF OKLAHOMA,
SS.
CLEVELAND COUNTY.

William T. Foster, and Mattie Bell Foster, being first duly sworn, upon oath, depose and say: That there was born to them on November 12, 1901, a female child, who was afterwards named Eva May Foster; that said child has heretofore been enlisted for enrollment by the Commission to the Five Civilized Tribes, as a citizen by blood of the Choctaw Nation, or tribe of Indians; its father William T. Foster being an enrolled Choctaw Citizen by blood; that at Ardmore, Indian Territory, on November 19, 1902, said Eva May Foster died; that affiants were present at the time of the death of said child, and that its body was afterwards interred in the Ardmore Cemetery. That Doctor Booth, of Ardmore, attended said child during its last illness.

William T. Foster ~~William Roman Foster~~
Mattie Bell Foster

Subscribed and sworn to before me this 11th day of December, 1902.

W. H. Holt
Notary Public.

My commission expires on the 17 day of Dec. 1904.

TERRITORY OF OKLAHOMA, CLEVELAND COUNTY, SS.

John Abe Foster, a citizen of the Choctaw Nation by blood, duly listed for enrollment by the commission to the Five Civilized Tribes, upon oath states: That William T. Foster, above subscribed, is his son, and that the said Mattie Bell Foster is his daughter-in-law. That affiant was present at the funeral and burial services of the above named, Eva May Foster, daughter of William T. Foster, and Mattie Bell Foster, and that he saw the remains of said child, and recognized it to be that of his grand-daughter, and the child of his son, William T. Foster.

Affiant further states that at the time of his appearance before the Commission to the Five Civilized Tribes, his address was Minco, I.T. but that both he, and his son, now reside, and get their mail at Newcastle, I.T.

John Abe Foster

Subscribed and sworn to before me this ....day of December, 1902.

B A Wood

My Com. Expires on the 17 day of Dec 1904. Notary Public.

INDEXED

In Re
the Death of
Eva May Parker
a Citizen of the
Choctaw Nation

Approved DEC 19 1902
as to Death Affidavit

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 19 1902

Acting Chairman.

CHOCTAW. # D. 96

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Eva May Foster

as a citizen of

Choctaw Nation.

JAN -6 1902

Approved 190

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 6 1902

ACTING CHAIRMAN

CHOCTAW.

D 96

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation.

of Eva May Foster (Here insert name of child), born on the 12th day of November, 1901

Name of Father: William V. Foster, a citizen of the Choctaw Nation.

Name of Mother: Mattie B. Foster, a citizen of the Choctaw Nation.

Post-office, Achille Bryan Chickasaw Nation Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, Mattie B. Foster, on oath state that I am Twenty Five years of age and a citizen, by Marriage, of the Choctaw Nation; that I am the lawful wife of William V. Foster, who is a citizen, by ~~Blood~~ Blood of the Choctaw Nation, that a Female (male or female) child was born to me on the 12th day of November 1901; that said child has been named Eva May Foster, and is now living.

Mattie B. Foster

WITNESSED TO MARK

(Must be Two Witnesses) [illegible]

[illegible]

Subscribed and sworn to before me this 12th *day of* December 1901.

T. B. Johnson NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, T. S. Booth, a Physician, on oath state that I attended on Mrs. Mattie B. Foster, wife of William V. Foster, on the 12 day of November, 1901; that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Eva May Foster

T. S. Booth M.D.

WITNESSED TO MARK:

(Must be Two Witnesses) [illegible]

[illegible]

Subscribed and sworn to before me this 12 *day of* December 1901.

T. B. Johnson NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 6 1902



Territory of Oklahoma } ss [redacted] Tripplett
Canadian County. } Judge of the Probate
Court in and for said County in said
County do hereby Certify that the foregoing
Marriage License and Marriage
Certificate is a true and correct Copy
of the original Marriage License
and Marriage Certificate on Mar-
riage Record No 2 page 54
Witness my hand and seal of said Court
This 21 day of July

W H Tripplett
Probate Judge

❀ MARRIAGE ❀ LICENSE. ❀

TERRITORY OF OKLAHOMA, } ss.
Canadian County.

In the Probate Court.

To Any Person Authorized to Perform the Marriage Ceremony, Greeting:

You are hereby authorized to join in marriage, Mr W J Foster and Miss Mattie B Crosby
of the County aforesaid, whose ages, residence, etc., are as follows:

NAMES OF PARTIES	AGE	COLOR	PLACE OF BIRTH	RESIDENCE.
W J Foster (Groom.)	19	White	Texas	Okl Ter
Mattie B Crosby (Bride.)	21	"	KY	

And of this License, you will make due return to my office within thirty days from this date.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at my office in El Reno
said County this 19 day of Dec A. D. 1901

W H Grigsby
Judge of the Probate Court.

TERRITORY OF OKLAHOMA, } ss.
Canadian County.

❀ ❀ ❀ Certificate of Marriage. ❀ ❀ ❀

I, W H Grigsby (Name of Officer or Minister.) Probate Judge (Official or Clerical Designation.) Probate Court (Name of Court or Congregation.) of (Name of Place Where Located.)
in Canadian County, Oklahoma Territory, do hereby certify that I joined in marriage the persons named in and authorized by this License to be Married
on the 19 day of Dec A. D. 1901, at El Reno in Canadian County, O. T., in the presence of
John J Conroy and F F Beasley of El Reno

John J Conroy
F F Beasley } Witness.

W H Grigsby
Probate Judge

choc 5718 William Albert Paul

8175

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I.T. October 16, 1902.

Choctaw D 94.

In the matter of the application of William Albert Paul for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation and for the enrollment of his two minor children Delia and Claude Paul as citizens by blood of the Choctaw Nation.

William Albert Paul, first duly sworn testified:

Examination by the Commission

Q What is your name? A William Albert Paul.
Q How old are you? A Forty-five.
Q What is your post office address? A Duncan.
Q Chickasaw Nation? A Yes, sir.
Q You are an applicant for the enrollment of yourself and two children? A Yes, sir.
Q What are the names of your two children? A Delia and Claude Paul.
Q Both of these children living? A Yes, sir.
Q Living with you at Duncan in the Chickasaw Nation? A Yes, sir.
Q How did you and these children become citizens of the Choctaw Nation? A We were adopted by act of the Council in '88.
Q Where were you living at that time? A Bosque County, Texas.
Q You were admitted as a white man by the Choctaw Council, as the husband of Matilda Ann Paul? A Yes, sir.
Q What was her maiden name? A Foster.
Q How long after this act of admission was it that you and this family removed to the Indian Territory? A I have been here about eleven years.
Q Did you remove to the Chickasaw Nation? A Yes, sir.
Q Have you and these children resided here in the Chickasaw Nation continuously since your removal here? A Yes, sir.
Q You were never married to Matilda Ann Foster in accordance with the tribal laws? A No, sir.
Q Have you since your admission in '88 ever married any other person? A Yes, sir.
Q When? A A year ago last Month.
Q Whom did you marry? A Bessie Smith.
Q She is a white woman? A Yes, sir.
Q Where did you marry her? A Duncan.
Q She was never recognized in any manner as a citizen of the Choctaw or Chickasaw Nations? A No, sir.
Q Married her under a United States license? A Yes, sir.
Q You are living with her now? A Yes, sir.
Q Your two children have always lived in the Chickasaw Nation since their admission? A Yes, sir.
Q Both of your children included in the act of admission? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 28 day of October 1902.

C. A. Hamm
Notary Public.

A 1134

[illegible]

AND

[illegible]

Marriage Certificate

Issued [illegible] 187[illegible]

[illegible] Clerk

By [illegible] Deputy

Marriage Certificate

STATE OF TEXAS.

COUNTY OF

This Instrument Witnesseth: That on the 19th day of [illegible] A.D. 1878 there was issued out of the office of the Clerk of the County Court of said County, a License for the Marriage of [illegible] and [illegible] and on the 19th day of [illegible] A.D. 1878 said parties were legally united in Marriage by a properly authorized person, named in said License and due return thereof made to this office in the manner and form required by law, all of which is duly entered upon the Marriage Records of my office in Vol. C. Page 132.

Witness my hand and official seal at my office in [illegible], Texas, on this the 3rd day of Oct A.D. 1878.

O. G. Tidwell
Clerk, County Court, Bragg County, Texas.

By J. T. Mingus
Deputy

FORM CLASS 2.

Clarke & Courts, Stationers, Printers & Lithographers, Galveston.

W.F.

7-3718.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Albert Paul as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant, William Albert Paul, claims rights as an intermarried citizen of the Choctaw Nation, by virtue of his marriage on May 19,1878, with Matilda Ann Paul (formerly Mardis), a recognized citizen by blood of the Choctaw Nation.

It further appears from the record herein that the applicant, William Albert Paul (as W.A. Paul), with others, was admitted to citizenship in the Choctaw Nation as an intermarried citizen by an act of the General Council of said Nation approved November 6, 1888, a certified copy of said act being filed with and made a part of the record in this case.

It further appears from the record herein that at the time of the said admission of the applicant in 1888 by the General Council of the Choctaw Nation, the applicant and his said wife, Matilda Ann Paul, were residents of the State of Texas; that they removed to the Chickasaw Nation in 1891; that said parties lived together continuously as husband and wife from the date of said admission of the applicant herein until the death of the said Matilda Ann Paul (date of death not given); that subsequently, in September, 1901 the applicant was married to Bessie Smith, a white woman, having no rights of Choctaw citizenship by blood, and that the applicant has been a resident in good faith of the Chickasaw Nation from 1891 up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, Chickasaw District, number 14950, enrolled thereon as a citizen by intermarriage of said nation.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, William Albert Paul should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat.,

495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

7-5718.

COPY.

Muskogee, Indian Territory, October 15, 1904.

William Albert Paul,

Duncan, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application of William Albert Paul for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished with a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling the above named person as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, this name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Encl. 7-5718.

COPY.

7-8718.

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application of William Albert Paul for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, this name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

7-8718.

For registry receipt in this case see Choctaw 57.

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W.F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 28 years of age, their children John A. Foster 8 years of age, Robert E.Foster 5 years of age, and Maude Foster aged 8 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Hardie Paul aged 13 years, Belle Paul 8 years of age, Lucia Paul 5 years of age, Delia Paul 3 years of age, and Cloud Paul Aged 7 months, also Mollie Williams nee Foster 28 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 55 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 29 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.E. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 26 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 20 years of age, also Ephriam F. Campbell aged 26 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza E. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 37 years, James L. Paddock aged 15 years, William M.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 8 years, John S. Paddock aged 5 years, also Jane Raytendall nee Campbell 30 years of age her husband Joseph Raytendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Elia Campbell nee Foster Now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairman, Com. on Citizenship.

Approved Nov. 5th, 1888.

R.F. Smallwood,
P.S.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.P. Foster and others," now on file in the office of the National Secretary at Tuskahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tuskahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary.
Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : sct.
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 7th day of June 1902.

Clara Mitchell Wood
Notary Public

Indian Territory,
Southern District.

Before me, the undersigned authority, this day personally appeared William Albert Paul, who being by me duly sworn on oath, states: My name is William Albert Paul; my age forty six years; my postoffice Duncan, Indian Territory. I am the husband of Matilda Ann Paul. Her name, when I married her was M.A.C.Mardis. Her name appears on the Act of the Choctaw Council approved November 5,1888,as Caledonia Paul. I further state that Caledonia Paul, M.A.C. Mardis and Matilda Ann Paul are one and the same person.

William Albert Paul

Subscribed and sworn to before me this the 24th day of Sept.1904.

Notary Public.

Muskogee, Indian Territory, May 29, 1900.

Mr. A. K. Swann,

Duncan, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of the 24th, in regard to the enrollment of William Albert Paul, et al, as citizens of the Choctaw Nation, and in which you state that Mr. Paul is a widower, and has been for some twelve years, and that his wife was Matilda A. Foster, and that they were married twenty years ago.

You are informed that the records of this Commission show that William Albert Paul, together with his daughter Dora, and son Claude Paul, were listed for enrollment October 21st, 1896 as Choctaws. It is claimed that Mr. Paul married in Texas under United States law before he and his wife Matilda Ann were admitted to citizenship by the Choctaw Council, and that when they were admitted by the Act of said Council, on November 8th,1888 they were then living in the state of Texas, and not bona fide citizens of the Indian Territory. When the Commission heard the testimony of the applicants herein mentioned for enrollment, it did not feel justified in placing them on a straight Choctaw card, and they were therefore listed for enrollment as doubtful claimants for citizenship. The Commission has not, up to this time, passed upon the rights of doubtful claimants, but an-

ticipates doing so in the near future, and until that time there can be no definite decision rendered in the case of Mr. Paul and his children. As soon as such a decision is rendered, notice of the same will be given the applicant.

Yours truly,

Acting Chairman.

In reply to this letter,
please refer to 7-D 94

7-5718.

Muskogee, Indian Territory, September 20, 1904

William Albert Paul,

Duncan, Indian Territory.

Dear Sir:-

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation it will be necessary for you to furnish the Commission with a sworn statement setting forth whether or not the Caledonia Paul, named in the Act of the Choctaw Council approved November 5, 1888, admitting you and others to citizenship in the Choctaw Nation, the M. A. C. Mardis named in the marriage license and certificate between you and your wife, on file with the Commission, and the Matilda Ann Paul through whom you claim your rights as an intermarried citizen of the Choctaw Nation, are one and the same person.

Please give this matter your prompt attention.

Respectfully,

Chairman.

Choc 5719 Belle Paul Isbell

5719

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 6 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 8 years of age, also Caledonia Paul nee Foster 33 years of age, her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 8 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 55 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, E.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 13 years, William M.

Paddock aged 13 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 5 years, John S. Paddock aged 2 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Elia Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1883.

E.F. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) [illegible],
National Secretary,
Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 8, 1888, including the certificate of the National Secretary of said Nation thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number R-95 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 20 day of June 1902.

Clara Mitchell Wood
Notary Public

No. 361.

M A R R I A G E L I C E N S E .

-----o-----

United States of America)
The Indian Territory,)
Southern District.)

To any Person Authorized by law to Solemnize Marriage, Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Bert Isbell, of Duncan, in the Indian Territory, aged 24 years and Bell Paul, of Duncan, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return the license to the parties therein named.

Witness my hand and official seal this 20th day of Aug. A. D. 1898.

C. M. Campbell,
Clerk of the United States Court.

By
S. H. Wooten, Dpty.

CERTIFICATE OF MARRIAGE.

[illegible]

United States of America,)
The Indian Territory,)
Southern District.)

I, E. Kersey, a minister, do hereby certify that on the 21 day of August, A.D. 1898 I did duly and according to law, as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 22 day of August, A.D. 1898

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A page 259.

E. Kersey,
a minister.

-----o-----

Endorsed:

Certificate of record of marriage.

United States of America,)
The Indian Territory,) sct.
Southern District.)

I, C. M. Campbell, Clerk of the United States Court in the Territory and District aforesaid, Do hereby certify that the license for and certificate of marriage of Mr. Bert Isbell and Bell Paul was filed in my office in said Territory and District the 24th day of Aug, A.D. 1898 and duly recorded in book C of Marriage Record, page 469.

Witness my hand and seal of said court in Ardmore this 27th day of Aug.

C. M. Campbell, Clerk.

Filed Aug. 24 1898, 8 A.M.
C. M. Campbell, Clerk.

Indian Territory
Southern District.

I, E. H. Bond, a Notary Public, in and for the Southern District of the Indian Territory, do hereby certify that the above and foregoing,is a perfect,true and literal copy of the original license for and certificate of marriage of Bert Isbell and Bell Paul,issued by the Clerk of the United States Court for the Southern District of the Indian Territory, which original license and certificate of marriage is now in my possession.

Witness my hand and seal of office this the 17th day of August,A.D.,1901.

E H Bond

Notary Public in and for the Southern District of the Indian Territory.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 20 1901

ACTING CHAIRMAN.

7-D-109

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Belle Paul Isbell and Charles George Isbell as citizens by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card records in this case that Belle Paul Isbell appeared before the Commission at Duncan, Indian Territory, on October 22, 1898, and made personal application for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on August 13, 1901, written application was made to the Commission for the enrollment, as a citizen by blood of the Choctaw Nation, of Charles George Isbell, infant child of Belle Paul Isbell.

It further appears from the evidence submitted in this case that the applicant Belle Paul Isbell (as Belle Paul), with others, was admitted to Choctaw citizenship by an act of the General Council of the Choctaw Nation approved November 5, 1888, a certified copy of said act being attached to and made a part of the record herein. The Choctaw Nation through its attorneys has protested against the enrollment of persons admitted by this act, on the ground that said act of admission was obtained through fraud. The evidence taken in regard to this matter was filed in the application of Ephraim Foster, et al., for enrollment as citizens by blood of the Choctaw Nation, Choctaw doubtful case No.93, and in said case the Commission, in its decision of January 9, 1903, held that the evidence so submitted was insufficient to substantiate the charge of fraud.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the name of Belle Paul Isbell (as Belle Paul) is identified on the 1896 Choctaw census roll as a citizen by blood of the Choctaw Nation, No.10631. The minor applicant, Charles George Isbell, having been born subsequent to the last tribal roll of the Choctaw Nation, is identified by proper proof of birth, filed and made a part of the record in this case.

It further appears that the applicant Belle Paul Isbell was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed on census cards during 1898 having first been examined as to such fact, although their testimony was not reduced to writing. The minor applicant, Charles George Isbell, was born in Indian Territory subsequent to said date and has always resided in said Territory.

It is, therefore, the opinion of this Commission that Belle Paul Isbell and Charles George Isbell should be enrolled as

citizens by blood of the Choctaw Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Muskogee, Indian Territory,

_____.

INDEXED

CHOCTAW. 20

IN RE

Application for Enrollment of

INFANT CHILD

Charles George Isbell.

as a citizen of

Choctaw Nation.

Approved AUG 13 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 13 1901

ACTING CHAIRMAN.

CHOCTAW.

D 109

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Charles George Isbell, born on the 1st day of August, 1901
(Here insert name of child)
Name of Father: Bert Isbell, a citizen of the United States ~~Nation~~.
Name of Mother: Belle Isbell, a citizen of the Choctaw ~~Nation~~ Nation.
Post-office, Denison Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, Belle Isbell, on oath state that I am 21 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of Bert Isbell, who is a citizen, by ~~birth~~, of the United States Nation, that a male (male or female) child was born to me on the 1st day of August 1901: that said child has been named Charles George Isbell, and is now living.

X Belle Isbell

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 10 *day of* August *1901.*

E. H. Bond

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, B. J. Plunkett, a physician, on oath state that I attended on Mrs. Belle Isbell, wife of Bert Isbell, on the 1st day of August, 1901: that there was born to her on said date a male ~~child~~ (male or female) child; that said child is now living and is said to have been named Charles George Isbell

X B. J. Plunkett M. D.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 10 *day of* August *1901.*

E. H. Bond

NOTARY PUBLIC.

7-5718

Muskogee, Indian Territory, September 29, 1904.

. A. Paul,

Duncan, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing your affidavit relative to your full name, age, and post-office address. Also relative to the maiden name of your wife and her name as it appears in the Act of the Choctaw Council, approved November 5, 1888, and the same have been duly filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Choc 5720 Lucie Paul Marshall

5720

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age, her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams I year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 3 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William H.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 8 years, John S. Paddock aged 5 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Ella Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

B.F. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled 'An Act to establish the citizenship of W.F. Foster and others,' now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

(SEAL)

3

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : sct.
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 20 day of June 1903.

Clara Mitchell Wood
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN AT BIRTH OF CHILD.

INDIAN TERRITORY.)
)
District.)

I, Dr. J. T. Wharton, being duly sworn, on oath, state that I was the physician who attended on Mrs. Ludie Marshal on the 30th, day of June, 1898, and that there was born to her on said date, a boy child and that said child was named Wilmer Marshall, and is now living.

J. T. Wharton, M.D.

Subscribed and sworn to before me this 4th, day of November, 1898.

John A. Fowler,

Notary Public.

Enr. No. 98

CHOCTAW.

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Osburn Marshall

as a citizen of the

Choctaw *Nation.*

Approved AUG 27 1902 *190*

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 27 1902

ACTING CHAIRMAN

CHOCTAW.

2108

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,

of Osburn Gilbert (Here insert name of child.), born on the 26 day of April, 1901

Name of Father: Hernry L. Marshall, a citizen of the U.S. ~~Nation~~.

Name of Mother: Ludie B. Marshall, a citizen of the Choctaw Nation.

Post-Office: Duncan, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, SOUTHERN District.

I, Ludie L. Marshall, on oath state that I am nineteen years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of Henry L. Marshall, who is a citizen ~~by~~ of U.S., ~~and~~ that a boy (Male or female.) child was born to me on the 26th day of ~~June~~ April 1901; that said child has been named Osburn Gilbert, and is now living.

her
Ludie L Marshall
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) W A Barr
J C Tucker

Subscribed and sworn to before me this 17th *day of* June 1902.

J L C Grant
Notary Public.

My comm expires March 3d 1906.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, _____ District.

I, J.T. Williams, a physician, on oath state that I attended on Mrs. Ludie L. Marshall, wife of Henry L. Marshall, on the 26 day of April, 1901; that there was born to her on said date a boy (Male or female.) child; that said child is now living and is said to have been named Osburn Gilbert.

J.T. Williams

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 12 *day of* August 1902.

J L C Grant
Notary Public.

Choc 5721 William Franklin Williams

5721

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of-

WILLIAM FRANKLIN WILLIAMS. 7-5721.

(Copy)

AN ACT TO ESTABLISH THE CITIZENSHIP OF W.F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 51 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 28 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 5 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 5 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 20 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William M.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Ellen Ellen Paddock aged 5 years, John H. Paddock aged 3 years, also Jane Kaytendall nee Campbell 30 years of age her husband Joseph Kaytendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Ella Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.R. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

E. F. Smallwood,

P.N.C.N.

CERTIFICATE.

—:—

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.P. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,

National Secretary,

Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, :
:
INDIAN TERRITORY, : ss.
:
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-65 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 30 day of June 1902.

Clara Mitchell Wood
Notary Public

Department of the Interior
Commission to the Five Civilized Tribes.
Chickasha, I.T. October 16, 1902.

Choctaw D-97.

In the matter of the application for enrollment as citizens of the Choctaw Nation of William Franklin Williams, et al.

William Franklin Williams, first duly sworn, testified:

Examination by the Commission

Q What is your name? A William Franklin Williams.
Q How old are you? A Forty-four.
Q You are a white man are you? A Yes, sir.
Q Applicant for enrollment as a citizen by intermarriage of the Choctaw Nation? A No, sir; by adoption.
Q What do you mean by adoption? A By act of the Council.
Q You don't claim any Choctaw blood? A No, sir.
Q You are a white man? A Yes, sir.
Q You claim as an intermarried citizen? A Yes, I claim through act of the Council.
Q What Council? A Choctaw Council.
Q Did'nt theyadmit you as a citizen by intermarriage? A I don't know.
Q Well they did not admit you as an Indian? A No, sir.
Q You was admitted by reason of the fact that you married a Choctaw woman? A Yes, sir.
Q What was her name? A Mollie Williams.
Q What was her maiden name? A Mollie Foster.
Q Did you have any children admitted with you? A Yes, sir.
Q Who? A Lula and Ollie.
Q They were admitted with you? A Yes sir.
Q That was in 1888? A Yes, sir.
Q Where were you living at the time of your admission? A In Texas.
Q How soon after that act of admission did you remove to the Chickasaw Nation? A August '89.
Q Have you lived here continuously since then? A Yes, sir.
Q Your wife Mollie E. Williams still living? A Yes, sir.
Q Ypu have lived with her continuously since your admission in '88? A Yes, sir.
Q Never has been any separation, desertion or divorce? A No, sir.
Q The other two children who were admitted with you have lived here continuously? A Yes, sir.
Q Both of them living at this time? A Yes, sir.
Q Have you had any children born to you since this act of admission? A Two.
Q What are their names? A Athel and Lottie.
Q Are they both living? A Yes, sir.
Q Living here in the Chickasaw Nation? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 1 day of October 1902.

C. A. Hamm

Notary Public.

MARRIAGE LICENSE.



The State of Texas,

Wm H F Williams

—To—

Miss M E Foster

County of Bowie

To all who shall see these Presents, Greeting:

Know Ye, That any person legally authorized to celebrate the rites of Matrimony is hereby licensed to join in marriage, as husband and wife, Wm H F Williams and Miss M E Foster and for so doing, this shall be his sufficient authority.

Given under my hand and seal of office, at Boston this 3rd day of October 1853

J P Cotton Clerk, C. C.

Deputy.

This is to certify that I have joined in Matrimony, as husband and wife, Wm H F Williams and Miss M E Foster on the 5th day of October A. D. 1853

W E Tarver J P

JENNINGS BROS. PRINTERS AND BLANK BOOK MAKERS, MARSHALL, TEXAS.

N.F.
Dbb

7-5721.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Franklin Williams as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant, William Franklin Williams, claims rights as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage with Mollie E. Williams (nee Foster), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15097 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 26, 1904.

It further appears from the record herein that the applicant, William Franklin Williams (as W. F. Williams), with others, was admitted to citizenship in the Choctaw Nation as a citizen by intermarriage by an act of the General Council of said Nation approved November 5, 1888, a copy of said act being filed with and made a part of the record in this case; and that the applicant and said Mollie E. Williams lived together continuously in the Chickasaw Nation as husband and wife from the date of said admission of the applicant herein up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, Chickasaw District, number 15201, enrolled thereon as a citizen by intermarriage of said nation.

It is, therefore, the opinion of this Commission that William Franklin Williams should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and

July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JUN 21 1904

Choctaw 5721.

COPY.

Muskogee, Indian Territory, June 21, 1904.

William Franklin Williams,

Minco, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7-5721.

Choctaw 5721.

COPY.

Muskogee, Indian Territory, June 21, 1904.

Blanton and Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 21, 1904, rendered its decision granting the application for the enrollment of William Franklin Williams as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Choctaw 5721

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 21, 1904, granting the application for the enrollment of William Franklin Williams as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED
Tams Bixby.
Chairman.

Registered.
Incl. 7-5721.

Choctaw
D-306, D-594.
5721, D-394.

Muskogee, Indian Territory, May 25, 1904.

Blanton and Andrews,

Attorneys at Law,

Paula Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 18, in which you ask the status of the applications of J. L. Barnett, Lillian Delores Whittle, W. F. Williams and Whit A. Waide for enrollment as citizens of the Choctaw Nation, and ask if protests have been filed by the attorneys for the Choctaw and Chickasaw Nations in any of these cases.

In reply to your letter, you are informed that it appears from our records that a protest was filed by the attorneys for the Choctaw and Chickasaw Nations on February 6, 1904, in the matter of the application of Delories Whittle for enrollment as an intermarried citizen of the Choctaw Nation, but the same was, on March 28, 1904, over-ruled by the Department.

You are further advised that on February 6, 1904, there was filed with the record in the matter of the application of John L. Barnett for enrollment as an intermarried citizen of the Choctaw Nation, the protest of the attorneys for the Choctaw and Chickasaw

Nations in which they request that further action be suspended until the final decision of the Choctaw and Chickasaw Citizenship Court in the case of Preston Early et al. versus the Choctaw and Chickasaw Nations, No. 64 on the South McAlester docket, in which said court will decide the question of the citizenship rights by marriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question they allege is involved in this case. Under departmental instructions of November 18, 1903, the Commission is estopped from further action in cases of this character wherein protests have been filed by the attorneys for the Choctaw and Chickasaw Nations until further instructed by the Secretary of the Interior.

You are further advised that the Commission has not yet passed upon the applications of William Franklin Williams and Whit M. Waide for enrollment as intermarried citizens of the Choctaw Nation, but will, as early as practicable, take up the same for consideration and determination and as soon as decisions are reached herein you and the applicants will be notified of the action taken.

Respectfully,

Chairman.

7-5721

Muskogee, Indian Territory, June 23, 1904.

Patchell & Henderson,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 13th inst., requesting to be advised relative to the application for enrollment of William F. Williams as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed it appears from our records that the application for the enrollment of William F. Williams as an intermarried citizen of the Choctaw Nation was granted June 21, 1904, and the applicant duly notified thereof. The attorneys for the Choctaw and Chickasaw Nations have been allowed 15 days in which to file protest against the action of the Commission and if at the end of that time no protest has been filed by said attorneys the name of William F. Williams will be placed upon a schedule of intermarried citizens of the Choctaw Nation to be transmitted to the Secretary of the Interior for approval.

Respectfully,

Commissioner in Charge.

7-5721

Muskogee, Indian Territory, October 22, 1904.

Patchell & Henderson,

Attorneys at Law.

Pauls Valley. Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 19th instant, requesting information relative to the status of the application for enrollment of William F. Williams.

You are informed that the enrollment of William Franklin Williams of Minco, Indian Territory as an intermarried citizen of the Choctaw Nation was approved by the Secretary of the Interior August 3, 1904.

Respectfully,

Chairman.

Choc 5722 Edna A. Henley

5722

Chickasaw 1315
Choctaw 5722

Muskogee, Indian Territory, May 9, 1904.

Edna F. Henley,

Amber, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 4, relative to the enrollment of your daughter, Ida Reynolds, as a citizen of the Chickasaw Nation, and asking if further evidence is necessary in her case.

In reply to your letter you are advised that the Commission is now considering the application of Ida Reynolds for enrollment as a citizen by blood of the Chickasaw Nation, and as soon as a decision is reached in this case you will be notified of the action taken therein. In the event further evidence is necessary in this case you will be notified.

You are informed that Edna A. Henley and her son, Frank Henley, have been enrolled as citizens by blood of the Choctaw Nation, and on March 26, 1904, their enrollment was approved by the Secretary of the Interior.

Respectfully,

Chairman.

Office of.....
Wm. H. GRIGSBY,
Probate Judge, Canadian County,
Oklahoma.

El Reno, Okla., 190

I. W. H. Grigsby, Probate Judge of Canadian Co. Oklahoma, do hereby certify that the Marriage License attached hereto is a true and correct copy of License issued to Frank Henley and Miss Edna Reynolds Jan 31 - 1900

W. H. Grigsby, Probate Judge
Canadian Co. O. T.

Given under my hand and seal this 2nd day of Aug. 1901

W. H. Grigsby
by, J. W. Pope. Clerk

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 6 1901

ACTING CHAIRMAN.

❀ MARRIAGE ❀ LICENSE. ❀

TERRITORY OF OKLAHOMA, } ss.
Canadian County,

In the Probate Court.

To Any Person Authorized to Perform the Marriage Ceremony, Greeting:

You are hereby authorized to join in marriage, Mr Frank Henley and Mrs Edna Reynolds of the County aforesaid, whose ages, residence, etc., are as follows:

NAMES OF PARTIES	AGE	COLOR	PLACE OF BIRTH	RESIDENCE
Frank Henley (Groom.)	29	White	Mo	O. T.
Edna Reynolds (Bride.)	28	"		"

And of this License you will make due return to my office within thirty days from this date.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at my office in said County this 31 day of January, A. D. 1900

J. H. Ingalls
Judge of the Probate Court.

TERRITORY OF OKLAHOMA, } ss.
County,

Certificate of Marriage.

I, W. D. Lewis, Pastor, of Minco, O. T.,
(Name of Official or Minister.) (Official or Clerical Designation.) (Name of Court or Congregation.) (Name of Place Where Located.)

in Caddo Reservation County, ~~Oklahoma Territory~~, do hereby certify that I joined in marriage the persons named in and authorized by this License to be Married on the 1st day of February A. D. 1900 at Minco in ~~County, O. T., in~~ the presence of John Thorp, of John Thurar and Alice Thurar, Witness.

W. D. Lewis
Pastor in Charge.

CHOCTAW.
9325

Cmw 7-10 97.
INDEXED

20

IN RE

Application for Enrollment of

INFANT CHILD.

Frank Henley

As a citizen of the

Choctaw Nation.

Approved AUG 8 1901

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 8 1901

E

CHOCTAW.
7-2 97

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation.

of Frank Henley, born on the 30 day of April, 1901.

Name of father: B. F. Henley, a citizen of the U.S. ~~Nation.~~

Name of mother: Edna A. Henley, a citizen of the Choctaw Nation.

Post Office: Chickasha Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
~~Indian~~ TERRITORY,
Southern District.

I, Edna A Henley, on oath, state that I am 30 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of B. F. Henley who is a citizen, by ..... of the ..... Nation; that a Male child was born to me on the 30 day of April, 1901; that said child has been named Frank Henley, and is now living.

Edna A Henley

Subscribed and sworn to before me this 20 day of June, 1901.

My Commission Expires July 10-1904

A. T. Taylor
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, B P Magness, a Physician, on oath, state that I attended on Mrs. Edna A Henley, wife of ~~B. Frank~~ Henley on the 30 day of Apr, 1901; that there was born to her on said date a Male child; that said child is now living and is said to have been named Frank Henley

B P Magness M.D.

Subscribed and sworn to before me this 22 day of June, 1901.

Alger Melton
Notary Public.

Choc 5723 Wade Emloe

5723

7086 10-97

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Maye Culve.

as a citizen of the

Choctaw Nation.

Approved, SEP 4 1900 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 4 1900

ACTING CHAIRMAN.

CHOCTAW.

10.97

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Maye Enloe, born on the 24 day of August, 1900
(Here insert name of child.)
Name of Father: Wm G Enloe, a citizen of the United States Nation.
Name of Mother: Wade Enloe [redacted], a citizen of the Choctaw Nation.
Post-office, Comanche Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Southern District.

I, Wade Enloe, on oath state that I am 25 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of Wm G Enloe, who is a citizen, by ....., of the United States Nation; that a female (male or female) child was born to me on the 24 day of August 1900; that said child has been named Maye, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 30th *day of* August *1900.*

J. E. Wilkinson
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Southern District.

I, W. H. Montgomery, a physician, on oath state that I attended on Mrs. Wade Enloe, wife of Wm G Enloe, on the 24 day of August, 1900, that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Maye

WITNESSES TO MARK:

(Must be Two Witnesses.)

W. H. Montgomery, M.D.

Subscribed and sworn to before me this 30th *day of* August *1900.*

J. E. Wilkinson
NOTARY PUBLIC.

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W.F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 30 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William H.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 3 years, John S. Paddock aged 3 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Ella Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

B.F. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.P. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : sct.
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 11 day of June 1902.

Clara Mitchell Wood
Notary Public

choc 5724 John F. Thomas

5724

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of

JOHN F. THOMAS 7-5724.

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 51 years of age his wife Mary Foster 35 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 15 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 23 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 and her husband J.B. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William E.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 8 years, John S. Paddock aged 3 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Elia Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

B.F. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : sct.
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-95 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 20 day of June 1902.

Clara Mitchell Wood

Choctaw D-62

Muskogee, Indian Territory, February 25, 1902.

John F. Thomas,

Minoo, Indian Territory.

You are hereby notified that the application for enrollment of yourself, your wife, Alice Thomas, and your children, Jesse V. Thomas and Ethel Thomas will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

On said day, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be offered an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Register. Commissioner in Charge

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 3, 1902.

John F. Thomas, et al.,	
vs.	D-92.
The Choctaw Nation.	

In the matter of the application of John F. Thomas for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Alice Thomas, and his two minor children, Jesse W. Thomas and Ethel Thomas, as citizens by blood of the Choctaw Nation.

On the 26th day of February, 1902, the principal applicant was notified by registered mail, and on the 5th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of John F. Thomas for the enrollment of himself, his wife and children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes on the 3rd day of April, 1902, at its office in Muskogee, Indian Territory, for final consideration.

Now on this 3rd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following procedure was had.

APPEARANCES:

A. Telle, attorney for the applicant.	No appearance on behalf of the Choctaw and Chickasaw Nations.
J. G. Ralls, attorney for the applicant.	
C. L. Herbert, attorney for the applicant.	

John F. Thomas, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name Mr.Thomas, in full? Give your name in full.
A John F. Thomas.
Q What is your age? A Forty-one.
Q What is your present post office address, Mr.Thomas? A Minco, Indian Territory.
Q Do you make this application for yourself and two children as citizens by blood, and for your wife as an intermarried citizen? A No sir.
Q For your wife and children by blood, and yourself as intermarried? A Yes sir.
Q How many children have you? A Two.
Q What are their names? A Jesse W.------Jesse William, a boy; Ethel.
Q Jesse W.-----how old is Jesse W.? A He will be sixteen in July.
Q Now the next one? A Ethel.
Q How old is she now? A She's twelve-----thirteen I believe, thirteen.
Q Thirteen? A I believe it's thirteen. I ain't right positive. Thirteen or fourteen her next birth-day. Her birthday's in September.
Q What is your wife's name? A Alice.
Q How old is your wife at this time? A I believe she's thirty-three or thirty-four in August.
Q What is your father's name, Mr.Thomas? A Jesse Thomas.
Q What is your mother's name? A Polly------Polly Ann.
Q What is your wife's father's name? A Ephraim Foster.
Q What is her mother's name? A Amanda.
Q Your father and mother are both dead are they? A Yes sir.
Q Her father and mother still living? A Her father's living; her mother's dead now.

Examination by Attorney J. G. Ralls.

Q Are you the identical person named as John Thomas, age twenty-six years of age, in the act of the Choctaw council approved November 5, 1888, entitled "An Act to establish the citizenship of W. F. Foster, et al?" A Yes sir.
Q Is Alice Thomas, your wife, the identical person mentioned in that act as Alice Thomas, nee Foster? A Yes sir.
Q Who is Jesse Thomas? Is Jesse W. Thomas the same person as is mentioned in that act as "Jesse Thomas" age 1 year? A Yes sir.
Q This other child has been born since the passage of that act of the Council, has it? A Yes sir.

(3).

By Attorney Ralls:

We request that the evidence in case No.93, Ephraim Foster, et al., be considered as evidence in this case so far as competent.

By the Commission.

This case will be considered by the Commission upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 4 day of April, 1902.

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I.T. October 15, 1902.

Choctaw D-92.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of John F. Thomas.

John F. Thomas being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A John F. Thomas.
Q What is your age? A Forty-one.
Q Your post office address? A Minco.
Q How long have you resided in the Chickasaw Nation? A With my family since '96; I have been here since '88.
Q You and your wife Alice were admitted to citizenship? A Yes, sir
Q You was admitted yourself as an intermarried citizen? A I was admitted at the time she was. I have a certified copy of the act with me.
Q Was you married to this woman before your admission? A Yes, sir.
Q Married in Texas? A Yes, sir.
Q And the Choctaw Council admitted you and your wife? A Yes, sir.
Q Have you a copy of that act? A Yes, sir.
Q You say you was married to Alice Foster in Texas, in what year? A In '85.
Q When was it you removed to the Indian Territory? A I moved with my family in '96.
Q You have lived here continuously since '96, you and your wife and your two children? A Yes, sir.
Q You are still living with this woman? A Yes, sir.
Q There has been no separation, desertion or divorce? A No, sir.
Q Since this admission by the Choctaw Council in '88 your citizenship has never been questioned? A It was questioned but we met the Commission afterwards and they said it was alright and we were placed on white cards.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 23 day of October 1902.

C. A. Hamm

Notary Public.

THE STATE OF TEXAS

COUNTY OF Bexar

To any Ordained Minister of the Gospel, Judge of the District Court, Judge of the County Court, or any Justice of the Peace:

You or either of you are hereby authorized to solemnize or join in

THE HOLY UNION OF MATRIMONY

John F. Thomas AND Miss Alice Foster

in accordance with the laws of this State, and that you make due return of this, your authority, to my office within sixty days from date hereof, certifying how you have executed the same.

Given under my hand and seal of office, this 29th day of July A. D. 1885—

Geo. W. Randal
CLERK, C. C.

per G. C. Alexander
DEPUTY.

RETURN.

This is to Certify, That the above License was executed by me, by joining the above named parties in the HOLY UNION OF MATRIMONY, this 30 day of July 1885

A. C. Smith

Book D Page 462

Form A—169 CLARKE & COUSINS, Stationers, Printers and Lithographers, Galveston.

N.F.

7-5724.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John F. Thomas as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant, John F. Thomas, claims rights as an intermarried citizen of the Choctaw Nation by virtue of his marriage on July 30, 1885, with Alice Thomas (nee Foster), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15106 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 26, 1904.

It further appears from the record herein that the applicant, John F. Thomas, with others, was admitted to citizenship in the Choctaw Nation as a citizen by intermarriage by an act of the General Council of said nation, approved November 5, 1888, a certified copy of said act being filed with and made a part of the record in this case; and that the applicant and the said Alice Thomas lived together continuously in the Chickasaw Nation as husband and wife from the date of said admission of the applicant herein up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, Chickasaw District, number 15119, enrolled thereon as a citizen by intermarriage of said nation.

It is, therefore, the opinion of this Commission that John F. Thomas should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JUN 21 1904

Choctaw 5724.

COPY.

Muskogee, Indian Territory, June 21, 1904.

John F. Thomas,

Minco, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

Incl. 7-5724.

Choctaw 5734.

COPY.

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 21, 1904, granting the application for the enrollment of John F. Thomas as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

CHOCTAW

Tams Bixby.

Chairman.

Registered.

Incl. 7-5734.

Choctaw 8724

Muskogee, Indian Territory, March 31, 1904.

J. F. Thomas,

Minco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 23, in which you ask if you and your family have been approved by the Secretary of the Interior and state that you belong to the Foster and Campbell families which were admitted by the Choctaw National Council on November 5, 1888.

In reply to your letter you are informed that Alice Thomas, wife of John F. Thomas, and children, Jesse and Ethel Thomas, have been enrolled by the Commission and their names have been placed upon a schedule of citizens by blood of the Choctaw Nation which has been forwarded to the Secretary of the Interior for approval. The Commission has not, however, been informed of Departmental action thereon.

The Commission has not yet passed upon the application of John F. Thomas as a citizen by intermarriage of the Choctaw Nation. As soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choc 5725 Samuel Foster

5725

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. F. FOSTER AND OF MRS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 35 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Mamie Foster aged 3 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Hardin Paul aged 12 years, Belle Paul 8 years of age, Ludie Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 32 years of age her husband W.F. Williams 36 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 5 years orphan daughter of James M. Foster deceased, also Samual Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel B. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 13 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, E.E. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 3 years, also their married daughter Ella White nee Campbell aged 16 and her husband J.R. White 30 years of age, also Robert T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Elina C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 37 years, James L. Paddock aged 15 years, William M.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Miles Miles Paddock aged 8 years, John A. Paddock aged 3 years, also Jane Haylendall nee Campbell 30 years of age her husband Joseph Haylendall aged 37 years, their son aged about 8 years (Name not now remembered)- the above Named Campbells being the children and grandchildren of Mila Campbell nee Foster now deceased who was the sister of Reburiam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. Jones, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

B.F. Smallwood,
P.C.G.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," Now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Hudson,
National Secretary.
Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : ss.
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 1st day of June 1903.

Clara Mitchell Wood
Notary Public

Choc 5726 William F. Foster

5726

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 51 years of age his wife Mary Foster 35 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age, her husband W.A. Paul 35 years of age, their children Wade Hardie Paul aged 12 years, Belle Paul 8 years of age, Ludie Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 28 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, O.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William M.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 8 years, John S. Paddock aged 5 years, also Jane Haykendall nee Campbell 30 years of age her husband Joseph Haykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Elia Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.E. Jones, Chairm. Com. on Citizenship.

Approved Nov. 24th, 1888.

E.F. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon F. Homer,
National Secretary,
Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : sct.
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-83 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 20 day of June 1900.

Clara Mitchell Wood

Choc 5727 Robert Lee Park

5727

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of-

ROBERT LEE PARK 7-5727.

Choctaw 3-98.

Muskogee, Indian Territory, February 26, 1902

Robert Lee Park,

Minco, Indian Territory.

You are hereby notified that the application for enrollment of yourself and your children, Edgar Lee Park and Mary Blanche Park will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony effecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 3, 1902.

Robert Lee Park, et al.,	
vs	D-95.
The Choctaw Nation.	

In the matter of the application of Robert Lee Park for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation and for the enrollment of his wife, Ida M. Park, and his two minor children, Edgar Lee Park and Mary Blanch Park as citizens by blood of the Choctaw Nation.

On the 26th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Robert Lee Park for the enrollment of himself, his wife and children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes on the 3rd day of April, 1902, at its office in Muskogee, Indian Territory, for final consideration.

Now on this 3rd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following procedure was had.

APPEARANCES:

A. Telle, attorney for the applicants.	No appearance on behalf of Choctaw and Chickasaw Nations.
J. G. Ralls, attorney for the applicants.	
C. L. Herbert, attorney for the applicants.	

John F. Thomas, witness :
on behalf of the applicant .

----------:----------

John F. Thomas, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A My name?
Q Yes? A John F. Thomas.
Q What is your age, Mr.Thomas? A Forty-one.
Q You are an applicant for citizenship are you in the Choctaw Nation? A Yes sir.
Q Are you the John Thomas that is an applicant before the Commission for citizenship in Case No. D-92? A Yes sir.
Q Are you acquainted with Robert Lee Park, the applicant in this case? A Yes sir.
Q How old is he? A Well, I couldn't say. I don't know his age.
Q About what do you judge him to be? A Thirty-five, I should judge He's a brother-in-law of mine, married my sister. He got a notice to be here himself.
Q Are you acquainted with his wife, Ida M. Park? A yes sir.
Q Do you know how old she is? A I guess she's about twenty-sevent or eight, I don't know exactly.
Q How many children have they? A They have two.
Q What are their names? A Their oldest, Edgar Lee is a boy.
Q What is the next one? A Mary Blanch.
Q How old is the boy that you call Edgar? A Six or seven.
Q How old is the girl? A Four or five.
Q Who is the father of Ida M. Park? A Ephraim Foster.
Q Who is her mother? A Amanda Foster.
Q Is her father living? A yes sir.
Q Is her mother living? A No sir.
Q Where does Robert Lee Park live? A He lives in the Chickasaw Nation; post office is Minco.

Examination by J. G. Ralls, Attorney.

Q Is Ida M. Park the identical person mentioned as Ida Foster age fifteen years of age, in the act of the Choctaw Council approved November 5, 1888, entitled an Act to exteblish the citi zenship of W. F. Foster, et al? A Yes sir.
Q And she's an own sister to your wife? A Yes sir.
Q She and her husband and these children are still living? A Yes sir.
Q Are living in the Chickasaw Nation, are they? A Yes sir.
Q Near Minco? A Yes sir.
Q They were living there in 1898 at the time they applied before the Commission to be enrolled were they? A Yes sir.

Re-examination by the Commission.

Q How long have they lived in the Chickasaw Nation? A I don't know how long he's been there, but she's lived there I believe about twelve years.

By Attorney Ralls.

We request that the evidence in case No.93, so far as competent, be considered as evidence in this case.

By the Commission.

This case will be considered by the Commission upon the record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 4 day of April, 1902.

Clarence Tolliwood

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I.T. October 16, 1902.

Choctaw D-95.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Robert Lee Park, et al.

Ida M. Park being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Ida M. Park.
Q How old are you? A Twenty-nine.
Q Your post office address? A Tuttle.
Q You are a citizen of the Choctaw Nation? A Yes, sir.
Q You have two children? A Yes, sir.
Q What are their names? A Edgar Lee and Mary Blanche.
Q Were you admitted to citizenship in the Choctaw Nation by the Choctaw National Council November 5, 1888? A Yes, sir.
Q Where were you living at the time of that admission? A Texas.
Q When did you move here? A Soon after that.
Q How soon? A I believe it was in June after that.
Q You have lived here continuously in the Chickasaw Nation? A Yes; right where I live now.
Q Both of your children born in the Chickasaw Nation? A Yes sir.
Q After that admission in 1888 and your removal to the Chickasaw Nation you married a white man? A Yes, sir.
Q What was his name? A R. L. Park.
Q Was you ever married before you married him? A No, sir.
Q Was he ever married before he married you? A Not that I know of.
Q At the time you were married to Robert Lee Park how long had he been living in the Chickasaw Nation? A I think about two years.
Q He is a white man? A Yes, sir.
Q Were you married to him in accordance with the tribal laws of the Chickasaw Nation? A Yes; that is the way we were married?
Q He obtained the license? A Yes; we was married out at Judge Burris' house and got the license from Judge Burris.
Q Did your husband obtain a Chickasaw license to marry you? A No, sir; I guess not; I guess it was a Choctaw.
Q Where did he obtain that license? A At McGee, I was married as a Choctaw.
Q How much did he pay for that license? A Fifty dollars.
Q Do you know from whom he obtained it? A From Judge Burris.
Q You were an actual resident of the Chickasaw Nation at that time? A Yes, sir.
Q When was you married to this woman? A I was married in '93.
Q When? A Ninety-three.
Q Since your marriage to him in '93 you have lived together continuously as man and wife? A Yes, sir.
Q He has never deserted you? A No, sir.

#2

Q There has been no separation or divorce? A No, sir.
Q You and this man are now living together as man and wife in the Chickasaw Nation? A Yes, sir.

G. Rosenwinkel beingduly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1902.

G Rosenwinkel

Subscribed and sworn to before me this 28 day of October 1902.

C A Hamm

Notary Public.

Pontotoc County, Chickasaw Nation.

All to whom it may concern: Know

R. L. Park a citizen of the United States

who having been a resident Pontotoc

County, Chickasaw Nation two years

next Prior this date, and the

requirements of the existing laws

of the Chickasaw Nation, filed a petition

and recommendation for a marriage

license, therefore I. A. Burris County

Judge of Pontotoc county Chickasaw Nation

do this day grant said petition and

issue license unto said R. L. Parks

to marry Miss J. M. Foster, citizen of

Pontotoc County Chickasaw Nation

according to law. Given under my hand

this the 28th day of Dec. 1893

I. A. Burris

County Probate judge of Pontotoc

county, Chickasaw Nation

McClean Said Ter. Feb. 2nd 1894

I. H. J. Drury a minister of the gospel do certify that on the 28th day of December 1893 I did duly according to law Solemnize the rites between R. L. Parkin and Miss S. M. Foster. Done this the 8th day of Feb 1894

I. H. Drury
Minister of the gospel

This is to certify that the above marriage certificate recorded on the record This 15th day of June 1894

W. Columbus, Clerk

This is to certify that the above marriage certificate and the foregoing marriage license as found recorded on page 168 book A are true and correct copies in my office this the 31st day of Aug. 1898

George Corbett
County Clk
Pontotoc County
Miss.

W.F.
Dds

7-5727.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert Lee Park as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on December 28, 1893, the applicant, Robert Lee Park, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Ida M. Park (nee Foster), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15111 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 26, 1904; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously in said nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Robert Lee Park should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

_____

Choctaw 5727

COPY.

Muskogee, Indian Territory, June 21, 1904.

Robert Lee Park

Minco, Indian Territory,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen of the Choctaw Nation by intermarriage.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered

Incl.7-5727

Choctaw-3727

Muskogee, Indian Territory, June 21, 1904.

C. L. Herbert,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes on June 21, 1904, rendered its decision granting the application of Robert Lee Park for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED James Bixby.

Chairman.

Registered

Choctaw-3727

Muskogee, Indian Territory, June 21, 1904.

J.G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, On June 21, 1904, rendered its decision granting the application of Robert Lee Park for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered

Choctaw-5727

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

Inclosed herewith you will find a copy of the decision of this Commission rendered June 21, 1904, granting the application of Robert Lee Park for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered

Incl.7-5727

(See Choctaw D-708 for registry receipt for this letter.

(Copy)

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged five months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W. A. Paul 38 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W. F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E. A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named--also James M. Campbell 36 years of age, his wife S. F. Campbell 39 years of age, their children J. L. Campbell 14 years of age, C. R. Campbell 12 years of age, T. A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S. S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J. E. White 20 years of age, also Ephriam T. Campbell aged 36 years, his daughter

Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William H. Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 3 years, John S. Paddock aged 3 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Ella Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A. B. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

E. F. Smallwood,

P.C.C.N.

CERTIFICATE.

--i--

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W. F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 16th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : SCT.
WESTERN DISTRICT. :

I, Charles H. Sawyer, a Notary Public within and for the Western District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William P. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 10 day of December, 1902.

Charles H. Sawyer

Notary Public.

Choc 5728 E.A. Foster

5728

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

IDA ADELLA FOSTER 7-5728.

Choctaw D-29.

Muskogee, Indian Territory, February 25, 1902.

E. A. Foster,

Minco, Indian Territory.

Dear Sir:-

You are hereby notified that your application for the enrollment of yourself and your minor son, Roy Foster, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory on the 2nd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of E. A. Foster for the enrollment of himself and his minor children, Roy, Dewey F., and Ruth Adella Foster, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Ida Foster, as an intermarried citizen of the Choctaw Nation.	--D 29--

On February 25, 1902, the principal applicant, E. A. Foster, was notified by registered mail that the application for the enrollment of himself and his minor children, Roy, Dewey F., and Ruth Adella Foster, as citizens of the Choctaw Nation by blood, and for the enrollment of his wife, Ida Foster, as an intermarried citizen of the Choctaw Nation, would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 2nd day of April, 1902, for final consideration.

Now, on this 2nd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

The principal applicant, E. A. Foster, appears by his attorneys: C. L. Herbert, J. G. Ralls, and A. Telle.	No appearance by attorneys for the Choctaw Nation.

STATEMENT BY COUNSEL:

Mr Ralls: The applicant requests that the evidence in No.D-93, Ephriam Foster, et al., be considered so far as competent as evidence in this case. We have nothing further to submit in this case.

By the Commission: This case will be considered by the Commission upon the testimony on file and the record now made.

Harry C. Risteen, having been first duly sworn, upon his

E A Foster et al-----2

oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Liston

Subscribed and sworn to before me this 2nd day of April, 1902.

Clara M. Fullerton

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I.T. October 15, 1902.

Choctaw D-29.

In the matter of the application of E. A. Foster for the enrollment of himself and his three minor children, Roy, Dewey F., and Ruth Adella, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Ida Adella Foster, as a citizen by intermarriage of the Choctaw Nation.

E. A. Foster bein first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A E. A. Foster.
Q What is your age? A Twenty-eight.
Q What is your post office address? A Norman, Oklahoma Territory.
Q Where dod you live? A I live right across the river in the Chickasaw Nation.
Q You are a citizen by blood of the Choctaw Nation? A Yes, sir.
Q Your right to enrollment as a citizen of the Choctaw Nation has never been questioned? A Yes, sir; they have been.
Q How did you obtain your recognition as a citizen of the Choctaw Nation? A Through the Choctaw Council, in '88, in October.
Q Your name is included in a list of names of persons admitted to citizenship in the Choctaw Nation by the Choctaw Council, an act approved the 5th of November 1888, entitled "An act to establish the citizenship of W. F. Foster, and others"? Yes, sir
Q Are you married? A Yes, sir.
Q Your wife living? A Yes, sir.
Q What is her name? A Ida Adella.
Q She is a white woman? A Yes, sir.
Q And an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir; I think she has been enrolled by the Dawes Commission.
Q Are you the E. A. Foster who appeared before the Commission on September 16, 1898, and made application for the enrollment of yourself and wife and three children as citizens of the Choctaw Nation? A Yes, sir.
Q Were you married to your wife under a Choctaw license? A No, sir
Q Where were you married to her? A In Texas.
Q Where were you living at the time of your marriage to your wife? In Texas.
Q In the state of Texas? A Yes, sir.
Q When were you married to her? A The first of April '94.
Q How long had you lived in the state of Texas at that time? A We lived in the Choctaw awhile and then we went back to Texas and I went to school there and just stayed there after I left School.
Q How long after you married did you come here? A I have been here four or five years; I am not positive.
Q You applied to the Dawes Commission in 1896 to have your wife admitted as an intermarried citizen? A I guess it was '96.
Q She was admitted? A Yes, sir.
Q How long after her admission did you go to the Territory? A It was a year or two after.

#2

Q When you filed the application for the admission of your wife in 1896 you were still a resident of the state of Texas? A Yes, sir.
Q How long after that before you moved to the Indian Territory? It might have been two years.
Q Where were you prior to June 28, 1898, that would be four years ago the past June? A I don't know just when I did come here; I came here the 29th of December, before I made my application at Pauls Valley in September 1898.
Q Did you have a home anywhere else? A I had a home in Texas.
Q Did you sell that? A I sold it since I came here.
Q When you moved here in December 1897 did you come here to make this your home? A Yes, sir.
Q Since that time have you and your wife lived her continuously? A Yes, sir.
Q Did you have your personal property here? A Yes, sir.
Q Did not have any personal property in Texas? A No, sir; I did not have anything there except a little farm.
Q Since the admission of your wife in 1896 you have lived with her all the time? A Yes, sir.
Q There has been no separation, desertion or divorce? A No, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 24th day of October 1902.

C. S. Hamm

Notary Public.

N.F.
Dec'd

7-5728.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ida Adella Foster as a citizen by intermarriage of the Choctaw Nation

--: D E C I S I O N :--

It appears from the record herein that the applicant, Ida Adella Foster (nee Armstrong), claims rights as a citizen by intermarriage of the Choctaw Nation, by virtue of her marriage on April 1, 1894, with E. A. Foster, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15134 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizensby blood of the Choctaw Nation and approved by the Secretary of the Interior on March 28, 1904.

It further appears from the records of the Commission that on September 9, 1896, in the case entitled "Mrs. Ida Foster vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 436), the applicant, Ida Adella Foster, made original application to this Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission to citizenship in the Choctaw Nation, claiming her right thereto by virtue of her marriage with the said E. A. Foster, and on December 2, 1896, the said Ida Adella Foster was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

It further appears from the record herein that the applicant was a resident in good faith of Indian Territory on June 28, 1898, and that her status as an intermarried citizen of the Choctaw Nation remained unchanged from the date of her said admission in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Ida Adella Foster should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat.,495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Muskogee, Indian Territory,
JUL 21 1905

Commissioner.

Choctaw 5728

Muskogee, Indian Territory, June 21, 1904.

Ida Adella Foster,

Norman, Oklahoma,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

ENEB:

Registered.
Incl. 7- 5728.

Choctaw 5728

Muskogee, Indian Territory, June 21, 1904.

C. L. Herbert,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 21, 1904, rendered its decision granting the application of Ida Adella Foster for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Choctaw 5728

Muskogee, Indian Territory, June 21, 1904.

J. C. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 21, 1904, rendered its decision granting the application of Ida Adella Foster for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from said date within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Registered.

Choctaw 5728

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 21, 1904, granting the application of Ida Adella Foster for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised thta you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to th Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.

Incl. 7- 5728.

An act to establish the citizenship of W. H. Foster and others.

Be it enacted by the General Council of the Choctaw Nation assembled, That Williams H. Foster 31 years of age, his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Mary E. Foster aged 5 months, also John Abram Foster, 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caladonia Paul nee Foster 33 years of age, her husband W. A. Paul 35 years of age, their children Webster Mandis Paul aged 19 years, Bell Paul 8 years of age, Judis Paul 5 years of age, Delia Paul 3 years of age, and Claude Paul aged 7 months, also Mollie Williams nee Foster 28 years of age, her husband W. F. Williams 26 years of age, their children Lula Williams 3 years of age, and Ollie Williams 1 year old. Also Alice Thomas nee Foster 19 years

of age, her husband John Thomas 26 years of age, and their son Jesse C Thomas aged 1 year, also Lula Foster aged 3 years, orphan daughter of James Foster deceased, also Samuel Foster aged 13 years and William H Foster Jr. aged 11 years orphan children of Samuel D Foster deceased, also Ephraim Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E. A. Foster 13 years of age: the said Ephraim Foster being the father and grandfather of the Fosters named - also James M. Campbell 24 years of age, his wife S. F. Campbell 23 years of age, their children J. Campbell 4 years of age, C R Campbell 2 years of age, S. A. Campbell aged 10 years, Molly Campbell aged 4 years, Maggie Campbell aged 6 years

S. S. Campbell aged 4 years
Milvin Campbell aged 3 months,
their ~~married~~ married daughter
Anna Jones nee' Campbell
aged 18 years, her husband
William Jones aged 25 years,
their daughter Maud Jones
aged 2 years, also their mar-
ried daughter Ella Whitmore
Campbell aged 16 years, and
her husband J. E. White
30 years of age, also Ephraim
H. Campbell aged 26 years,
his daughter Ella Campbell
aged 18 years and his son
William Campbell aged 6
years, also Eliza C.
Paddock nee' Campbell
aged 34 years, her husband
Reuben Paddock aged 38
years, their children
Nancy J. Paddock aged 17
years James L. Paddock
aged 15 years, William H.
Paddock aged 12 years, Reuben
W. Paddock aged 10 years,
Eliza Ellen Paddock aged 7
years, John S. Paddock aged
3 years, also Jane Kittindall
nee' Campbell 80 years

aff, age her husband
Joseph Kirkindoll aged 37
years, their son aged about 6
years (name not remembered)
the above named Campbells
being the the children and
grand children of Ellen
Campbell nee Porter now
deceased, who was the sister
of Ellis. The foregoing
are hereby admitted to cit-
izenship in the Choctaw
Nation with all of its rights,
privileges and immunities,
and this act shall take effect
and be in force from and
after its passage.

A. B. Jones. Chair.
Com. on citizenship

Approved Nov 5th 1884.

B. F. Smallwood.
Principle Chief, Choctaw Nation.

I hereby certify that the above
is a true and correct copy of the
original act now on file in my
office

In testimony whereof I have
hereunto set my hand and affix-
ed the seal of the Choctaw Nation
done at Tushka Homma this
the 5th day of Nov A. D. 1884

A Telle,
National Secretary
Choctaw Nation

United States of America
Indian Territory
Southern District } ss.

I Jos. B. Wilkinson Notary Public in and for said Dist. do hereby certify that This is a true and correct copy of a copy certified to by J. M. Campbell on 26th day of Aug. A.D. 1887.

This 17th day of Nov 1887

Jos B Wilkinson
Notary Public

No. _____

Affidavit of Attending Physician at Birth of Child.

IN RE APPLICATION OF

Dewey F. Foster

FOR CITIZENSHIP IN

Choctaw

NATION.

Approved: March 6. 1899

Commissioner.

Choctaw 1513

Dist. Dkt 9

Affidavit of Attending Physician at Birth of Child.

~~INDIAN TERRITORY,~~
State of Texas
County of Bosque ~~District~~.

I, W. N. Shipp, being duly sworn, on oath, state that I was the physician who attended on Mrs. Ida C. Foster on the 24th day of October 1897, and that there was born to her on said date a Boy child, and that said child was named Drury L. Foster, and is now living.

W. N. Shipp M.D.

Subscribed and sworn to before me this 4th day of November 1898.

Jno. M. Pearson Justice of Peace and Ex Officio NOTARY PUBLIC.
Bosque Co. Texas

7029

CHOCTAW. 20

IN RE

Application for Enrollment of

INFANT CHILD

Ruth Adella Foster,
as a citizen of

Choctaw Nation.

Approved, AUG 2 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 2 1901

ACTING CHAIRMAN

CHOCTAW.
D. 29

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of Ruth Adella Foster (Here insert name of child), born on the 26th day of February, 1901. 1

Name of Father: E.A.Foster, a citizen of the Choctaw Nation.

Name of Mother: Ida A.Foster, a citizen of the Choctaw Nation.

Post-office, New castle, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Territory of Oklahoma)
County of Cleveland.)

I, Ida A.Foster, on oath state that I am 26 years of age and a citizen, by inter-marriage, of the Choctaw Nation; that I am the lawful wife of E.A.Foster, who is a citizen, by blood, of the Choctaw Nation, that a female (male or female) child was born to me on the 26th. day of February, 1901, 1; that said child has been named Ruth Adella Foster, and is now living.

Ida A. Foster

WITNESSES TO MARK
(Must be Two Witnesses)
Henry Dean
C.W.White

Subscribed and sworn to before me this 29th day of July 1901.

My Commission expires Jan 4th, 1905.

C.W.White
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.
Territory of Oklahoma)
County of Cleveland.)

I, C.P.Kelly, a Medical Doctor, on oath state that I attended on Mrs. Ida A.Foster, wife of E.A.Foster, on the 26th. day of February, 1901, 1; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Ruth Adella Foster.

Dr. C. P. Kelly

WITNESSES TO MARK:
(Must be Two Witnesses)
Henry Dean
C.W.White

Subscribed and sworn to before me this 29th day of July 1901.

My Commission expires Jan 4th, 1905.

C.W.White
NOTARY PUBLIC.

Muskogee, Indian Territory, August 2, 1901.

Mr. H. A. Foster,

Newcastle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Ruth Adella Foster, the infant daughter of H. A. and Ida A. Foster, born February 26, 1901, and the same being in proper form has been duly filed as evidence of the birth of this child.

Yours truly,

7-D 20

Choctaw D29

Muskogee, Indian Territory, January 28, 1903.

E. A. Foster,

Norman, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 10, in which you ask if the Foster citizenship case has been passed upon by this Commission.

In reply to your letter you are advised that this case is now being considered by the Commission, and it is probable that a decision will be reached in the near future, at which time you will be duly notified of the action of the Commission.

Respectfully,

Acting Chairman.

Chickasaw 139
Choctaw D 29

Muskogee, Indian Territory, April 6, 1903.

T. C. Walker,

Stonewall, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 28, stating that you sent a statement made by Kilsie Collins Dearring to the Commission, and if the same was not in proper form you ask that it be returned for correction, and you are advised that the affidavit of Kilsie Collins Dearring relative to the amount of Chickasaw blood possessed by her has been filed with the record in her case.

Replying to that part of your letter in which you ask the status of A. E. Foster as a Choctaw citizen, you are informed that it appears from our records that E. A. Foster, his wife, Ida Foster, and their children, Roy, Dewey F. and Ruth Adella Foster, have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to such enrollment has not yet been determined. It is believed that this is the person to whom you refer as A. E. Foster.

Respectfully,

Choctaw D 29.

Muskogee, Indian Territory, April 24, 1903.

E. A. Foster,

Norman, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 20, asking if your case has been passed upon, and in reply you are advised that the Commission has not yet determined the rights of E. A. Foster, his wife, and their minor children, to enrollment in the Choctaw Nation. As soon as a decision is reached you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Choctaw D 89

Muskogee, Indian Territory, August 3, 1903.

E. A. Foster,

Box 122, Norman, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 29, asking if your case has been passed on by the Commission.

In reply to your letter you are informed that it appears from our records that you and your wife and children have been listed among the doubtful claimants to enrollment in the Choctaw Nation and your final right to such enrollment has not yet been determined. As soon as a decision is reached you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Choctaw 5728

Muskogee, Indian Territory, April 4, 1904.

E. A. Foster,

Box 122, Norman, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 30, asking if the Foster case has yet been passed upon by the Commission and in reply you are advised that E. A. Foster and his children, Roy, Dewey F. and Ruth Adella Foster, have been enrolled by the commission as citizens by blood of the Choctaw Nation, and their enrollment approved by the Secretary of the Interior, March 26, 1904.

The Commission has not yet passed upon the application of Ida Foster, wife of E. A. Foster, for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case she will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choc 5729 James M. Campbell

Granted 12-31-06

Clara S. Campbell Trans to This Jacket
July 14, 1906

5729

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of

SUSAN FRANCES CAMPBELL. 7-5729.

7-D-100

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chickasha, Indian Territory, October 17, 1902.

---o---

In the matter of the application for the enrollment of James M. Campbell, et al., as citizens by blood of the Choctaw Nation.

Said James M. Campbell, being first duly sworn, testified as follows.

Examination by the Commission.

Q What is your name? A James M. Campbell.
Q How old are you? A Fifty-five years old.
Q What is your postoffice address? A Minco.
Q You claim to be a citizen by blood of the Choctaw Nation? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Susan Frances.
Q Is she a citizen by intermarriage? A She's a citizen by blood--she was admitted the same as I was.
Q She is a white woman, isn't she? A Yes sir.
Q You were admitted by an act of the Choctaw Council of November 5, '88? A Yes sir.
Q Your wife was admitted with you? A Yes sir.
Q Were any of your children included in that act of admission? A Yes sir.
Q Who? A Annie Jones and her two children, and Ella White and one child.
Q Was Maggie included in that act of admission? A Yes sir.
Q Any other of your minor children? A Sol, Minnie and Billy.
Q They were all included in that act of admission? A No sir, only down to Minnie.
Q The other children were born since then? A Yes sir.
Q Are all these children living with you now? A No--Maggie is married now--Sam is married too.
Q Have you and Susan Frances Campbell been living together continuously as man and wife since your admission in '88? A Yes sir.
Q Been no separation, desertion or divorce? A No sir.
Q Where were you living at the time you and your family were admitted to citizenship in the Choctaw Nation? A We lived at Caddo a while.
Q Where were you living when you were admitted? A We were living in Texas at the time.
Q How long after the act of admission did you remove to the Indian Territory? A Next Fall, I believe it was.
Q That was in '89 ? A Yes sir.
Q Have you lived here since that time? A Yes sir.
Q Neither you or any of the members of your family have ever made your home anywhere except in Indian Territory? A Annie Jones has; she has lived away from here on account of her health.

Q But you and your wife and your miner children have lived here continuously? A Yes sir.
Q Never have been out of the Territory? A Not to move away-- no sir, only for a little while at a time.
Q Where does Maggie Jones live? A Part of the time she's at home here and part of the time she's out west with her husband.
Q Where does her husband live? A He's up here at home now.
Q Where is his home? A At Minco but he stays at the ranch most of the time.
Q What do you mean by out west? A Out there on the ranch in New Mexico.
Q You have been in New Mexico? A Yes sir, but I never moved away from here.
Q How long did you stay in New Mexico? A I went there in February this year.
Q Stayed out there until when? A About two months ago.
Q I asked you if you had maintained a continuous residence in Indian Territory? A Yes sir.
Q Now, you state that you have been in New Mexico; have you lived any other place than New Mexico? A No sir.
Q Did you move your family to New Mexico? A Part of them.
Q Did you carry your minor children with you when you went there? A Yes sir.
Q What was your idea in going to New Mexico? A I rented my place here and went out there.
Q Did you carry your household goods to New Mexico? A No sir, not any.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Chickasha, Indian Territory, October 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 23 day of October, 1902.

C. A. Hamm

Notary Public.

Choctaw 5729

Muskogee, Indian Territory, June 21, 1904.

Susan Frances Campbell,

Minco, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

Incl. 7- 5729.

W.F.
A.C.D

7-5729.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susan Frances Campbell as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant, Susan Frances Campbell (nee Ferguson) claims rights as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage on October 31, 1867 with James M. Campbell, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15114 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 26, 1904.

It further appears from the record herein that the applicant, Susan Frances Campbell (as S. F. Campbell), with others, was admitted to citizenship in the Choctaw Nation as a citizen by intermarriage by an act of the General Council of said Nation approved November 5, 1888, a certified copy of said act being filed with and made a part of the record in this case; and that the applicant and said James M. Campbell lived together continuously in Indian Territory as husband and wife from the date of the admission of the applicant herein in 1888 up to and including September 25, 1902.

Upon an examination of the tribal rolls in possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, Chickasaw District, number 14446 enrolled thereon as a citizen by intermarriage of said Nation.

It is, therefore, the opinion of this Commission that Susan Frances Campbell should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

N 24 1904



Thomas Campbell
To
S.F. Ferguson

Be it remembered that on this 31st. day of Oct 1867. the following Marriage license was issued, to wit: Texas, to wit: Bosque County. S.S. To all who shall see these presents, Greeting: Know ye, that any person legally authorized to celebrate the rites of Matrimony, is hereby licensed to join in Marriage as husband and wife. Thos Campbell and S.F. Ferguson and for so doing this shall be his sufficient authority. In testimony whereof J.N. Mabray clerk of the Bosque County Court hereunto subscribe my name, and affix the seal of said Court, this 31st. day of Oct 1867.

J.N. Mabray

Be it further remembered, that on this 1st. day of Nov 1867. the following Certificate was filed in my office to wit: Texas, to wit: Bosque County, This certifies that I joined in marriage as husband and wife Thos Campbell and S.F. Ferguson on the 31st. day of Oct. 1867.

A.S. Thomas
J.P. B.C.

The State of Texas } I C.W. Tidwell clerk of the
County of Bosque } County Court in and for Bosque County, Texas, do hereby certify that the above and foregoing is a true & correct copy of the Marriage License of Thomas Campbell to S.F. Ferguson as the same appears of record in Book - page 112 of the Marriage License records of Bosque County, Texas. Given under my hand and seal of office at Meridian Texas, this 17th day of October 1898.

C.W. Tidwell, Clerk County Court
Bosque County, Texas
By J.L. Mingus, Deputy

The State of Texas } Before me J. H. Gilpin a Notary Public in
County of Bosque } and for Bosque County, State of Texas
on this day personally appeared Mrs
Minty Greer, Mrs E. J. Nichols and S. D. Greer
who being by me duly sworn, upon oath say, each for him-
self and herself, That they were present on the 1st day
of November 1867, and did then hear the marriage
of James M. Campbell to A. Thompson. That they know
the name "Thomas" in the County Clerks certificate, is a
clerical error, and that they are not interested in any
of the claims of the said James M Campbell and
they are not related to said Jas M Campbell

Mrs Minty Greer
(Mrs.) E. J. Nichols.
S D Greer

Sworn to and subscribed before me by Mrs Minty
Greer, Mrs E. J. Nichols and S. D Greer known to
me to be credible and respectable persons, this
20th day of October 1873

J H. Gilpin, Notary Public
Bosque County Texas

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation.

7-5729.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, Aug. 24-05.

In the matter of the alleged application of Clara S. Campbell, for enrollment as a citizen by intermarriage of the Choctaw Nation.

Clara S. Campbell being first duly sworn, testifies as follows:

By Chilion Riley, her attorney.

Q Your name is Clara S. Campbell? A Yes, sir.
Q What is your age? A A Twenty-one.
Q You want to be enrolled as an intermarried citizen, do you? A Yes, sir.
Q What is your Indian husband's name? A Samuel S. Campbell.
Q Is he a Choctaw or Chickasaw ? A Choctaw.
Q When were you married to Samuel S. Campbell? A November 25, 1901.
Q Were you ever married before? A No, sir.
Q Was your husband ever married before? A No, sir.
Q Where were you married to Samuel S Campbell, A Chickasha, I.T.
Q Is this your first appearance in person before the Commission? A Yes, sir.
Q What is the name of your oldest child? A Mildred A. Campbell.
Q Has any application ever been made for you before? A No, sir.
Q When did you make application for your child, Mildred A. Campbell? A I don't know just when.
Q Last year, or this year? A This year.
Q That was the first application made for her enrollment? A Yes, sir.
Q Did you ever send in your certificate of marriage to the Commission? A No, sir.
Q Had any application ever been made for your child prior to the time you made application for her? A No, sir.

Harriett Gray, being first duly sworn, states that the above and foregoing is a full, true and correct transcript of her stenographic notes taken in said cause on said date.

Harriett Gray

Subscribed and sworn to before me this August 24, 1905

J B Campbell
Notary Public.

Department of the Interior,
Commissioner to the Five Civilized Tribes.

It appearing from the foregoing record that said Clara S. Campbell admits that no application was ever made by her or on her behalf for enrollment as a citizen by intermarriage of the Choctaw Nation prior to her appearance at this office on August 24, 1905, and there being no authority vested in mr for receiving original applications at this time, I hereby decline to receive any application for the enrollment of said Clara S. Campbell.

Commissioner.

Muskogee, Indian Territory,
AUG 25 1905

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Clara S. Campbell as an intermarried citizen of the Choctaw tribe or Nation of Indians.

MOTION TO REOPEN AND RECONSIDER.

Now comes Clara S. Campbell by Chilion Riley her attorney and moves the Commissioner to the Five Civilized Tribes to reopen and reconsider his order made August 25, 1905, declining to receive the application of Clara S. Campbell for enrollment as an intermarried citizen of the Choctaw Nation, and for grounds of said motion show the following:

FIRST: That the applicant appeared in person before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on August 24, 1905, for the purpose of submitting her testimony in support of her right to enrollment as an intermarried citizen of the Choctaw Nation, and under the act of Congress approved April 26, 1906 (public number 129), this applicant is entitled to enrollment, for the reason that the order above referred to was made solely because it appears that she had not made personal appearance prior to December 25, 1902.

SECOND: That the applicant was lawfully married to S. S. Campbell, a duly enrolled and approved citizen by blood of

the Choctaw Nation on the 25th day of November, 1901, as shown by a certified copy of the marriage license and certificate hereto attached and made a part of this motion, and under the act of Congress above referred to is entitled to have her rights adjudicated at this time, as the records in charge of the Commissioner show that personal appearance was made before the Commissioner prior to December 1, 1905, and the Department has held that where a person was married to a citizen of the Choctaw or Chickasaw Nations according to their laws, customs and usages, the same is equivalent to enrollment. See the cases of Mollie Askew, Benjamin J. Vaughn, and Dr. Clay McCoy, applicants for enrollment as citizens by intermarriage.

W H E R E F O R E, the applicant prays that the order of the Commissioner of August 25, 1905, declining to receive the application of Clara S. Campbell for enrollment be set aside and that her rights as a citizen by intermarriage of the Choctaw Nation [illegible] dated [illegible]

U. S. Registered Mails go to every post office in the world. Letters and parcels should be registered at any post office in the United States in order to secure the highest indemnity in case of loss, rifling, or damage in the mails. Registered Mail matter should be delivered only on payment of fee and on the return of this receipt properly signed.

Letter Parcel No. 2167 P.O. [illegible]

Received for registration 5/17 [illegible]

[illegible]

[illegible] Postmaster, per [illegible]

[illegible] that he served by registered mail on Mansfield, McMurray & Cornish, attorneys for the nations, a carbon copy of within motion and that the registry receipt herato attached is for letter in which same was transmitted.

Subscribed and sworn to before me this 17th day of May, A. D. 1906.

Notary Public.

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the Choctaw Nation on the 25th day of November, 1901, as shown by a certified copy of the marriage license and certificate hereto attached and made a part of this motion, and under the act of Congress above referred to is entitled to have her rights adjudicated at this time, as the records in charge of the Commissioner show that personal appearance was made before the Commissioner prior to December 1, 1905, and the Department has held that where a person was married to a citizen of the Choctaw or Chickasaw Nations according to their laws, customs and usages, the same is equivalent to enrollment. See the cases of Mollie Askew, Benjamin J. Vaughn, and Dr. Clay McCoy, applicants for enrollment as citizens by intermarriage.

W H E R E F O R E, the applicant prays that the order of the Commissioner of August 25, 1905, declining to receive the application of Clara S. Campbell for enrollment be set aside and that her rights as a citizen by intermarriage of the Choctaw Nation be readjudicated.

Respectfully submitted,

Chilton Riley

Attorney for applicant.

Fred V. Kinkade being first duly sworn on oath states; that he served by registered mail on Mansfield, McMurray & Cornish, attorneys for the nations, a carbon copy of within motion and that the registry receipt hereto attached is for letter in which same was transmitted.

Fred V. Kinkade

Subscribed and sworn to before me this the 11th day of May, A. D. 1906.

Robert L. Russell

Notary Public.

(Copy)

AN ACT TO ESTABLISH THE CITIZENSHIP OF W.F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 28 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William M.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 8 years, John S. Paddock aged 5 years, also June Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Ella Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights Privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1886.

E. F. Smallwood,

P.C.C.N.

CERTIFICATE.

—:—

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,

National Secretary,

Choctaw Nation.

(SEAL)

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UNITED STATES OF AMERICA,)
)
INDIAN TERRITORY,) ss.
)
NORTHERN DISTRICT.)

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-83 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 20 day of June 1902.

Clara Mitchell Wood

Memo.-128.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation.

On May 21, 1906, there was filed with the Commissioner to the Five Civilized Tribes by Chilion Riley, attorney at law, of Ardmore, Indian Territory, on behalf of the petitioner, Clara S. Campbell, a motion praying that the order of the Commissioner to the Five Civilized Tribes of August 28, 1905, declining to receive the application for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation, be reopened and reconsidered, and for reasons therefor sets forth:

"FIRST: That the applicant appeared in person before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on August 24, 1905, for the purpose of submitting her testimony in support of her right to enrollment as an intermarried citizen of the Choctaw Nation, and under the act of Congress approved April 26, 1906 (public number 129), this applicant is entitled to enrollment, for the reason that the order above referred to was made solely because it appears that she had not made personal appearance prior to December 25, 1902.

SECOND: That the applicant was lawfully married to S. S. Campbell, a duly enrolled and approved citizen by blood of the Choctaw Nation on the 25th day of November, 1901, as shown by a certified copy of the marriage license and certificate hereto attached and made a part of this motion, and under the act of Congress above referred to is entitled to have her rights adjudicated at this time, as the records in charge of the Commissioner show that personal appearance was made before the Commissioner prior to December 1, 1905, and the Department has held that where a person was married to a citizen of the Choctaw or Chickasaw Nations according to their laws, customs and usages, the same is equivalent to enrollment."

It appears from the record in this case that on August 24, 1905, Clara S. Campbell appeared before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, and attempted to make application for enrollment as a citizen by intermarriage of the Choctaw Nation, but it appearing that no application had ever been made for her enrollment within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), said Commissioner entered of record an order declining to

receive any application for the enrollment of said Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation, inasmuch as there was no existing authority for receiving original applications at said time.

The Act of Congress approved April 26, 1906 (Public 129), provides:

> "That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes or Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to the first day of September, nineteen hundred and five, and the records in the office of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application, and no motion to reopen or reconsider any citizenship case, or any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which case such motion shall be made within sixty days after the passage of this Act."

It appearing from the record herein that application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (Public 129), it is, therefore, ordered that the order of the Commissioner to the Five Civilized Tribes of August 25, 1905, declining to receive her application for enrollment, should be rescinded, and that the same should now be determined upon its merits.

Commissioner.

Muskogee, Indian Territory,

JUL 10 1906.

7-5729.

UNITED STATES OF AMERICA.)
SOUTHERN DISTRICT,)SS.
INDIAN TERRITORY.)

Personally appeared before me, the undersigned Notary Public in and for the Southern District of the Indian Territory, Clara S. Campbell, who being first duly sworn upon her oath makes answer to the following interrogatories:

Q What is your name, age and postoffice address?
A. Clara B. Campbell. 27 years old Tuttle Ind Ter

Q Where were you residing at the time of your marriage to Samuel S. Campbell? A. Mines Ind. Ter

Q Where was Samuel S. Campbell residing at the time of his marriage to you? A. Pontotoc Co- Mines Ky (C.O.)

Q What is the date of your marriage? A. Nov 15th 1901.

Q Were you married under the United States law?
A. Yes.

Q Where have you resided since your marriage to Samuel S Campbell? A. Pontotoc County Ind Ter

Q Have you and Samuel S. Campbell lived together continuously as husband and wife since the date of your marriage?
A. Yes.

Q. Clara S Campbell

Postoffice Tuttle Ky.

Subscribed and sworn to before me this 7th day of Aug., 1906.

H. Green.

My commission expires 06/17, 1908. Notary Public

7-5729.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Muskogee, Indian Territory, December 29, 1906.

In the matter of the application for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation.

APPEARANCES: Chilion Riley, attorney at law, Duncan, Indian Territory, appears on behalf of the applicant.
No appearance on behalf of the Choctaw and Chickasaw Nations.

Attorney for applicant files copy of proof of service upon the attorneys for the Choctaw and Chickasaw Nations of his appearance on this date.

-----ooOoo-----

CLARA S. CAMPBELL, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Clara S. Campbell.
Q How old are you, please? A Twenty-two.
Q Post office? A Tuttle, I. T.
Q Through whom do you claim your right to enrollment as a citizen by intermarriage of the Choctaw Nation? Who did you marry?
A Samuel S. Campbell.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir.
Q When did you marry him? A November the 25th, 1901.
Q Who married you? A Mr. Speaks of Chickasha. I don't know what his given name is.
Q Justice of the Peace? A No sir, county clerk.
Q Where were you living at the time of your marriage to Mr. Campbell? A Minco was my post office.
Q What nation? A Chickasaw.
Q Where was Mr. Campbell living at that time? A Minco.
Q After your marriage to Mr. Campbell, where have you resided?
A In the Chickasaw Nation, Minco and Chickasha.
Q Have you lived there ever since your marriage? A Yes sir.
Q Continuously? A Yes sir.
Q You have always lived together as husband and wife since your marriage? A Yes sir.
Q Had you been married before you married Mr. Campbell?
A No sir.
Q Had Mr. Campbell been married before he married you?
A No sir.
Q What is the name of your father? A Richard Clayton.
Q What is the name of your mother? A Jennie Clayton.

Q Both white people? A Yes sir.
Q Citizens of the United States? A Yes sir.
Q How long had you lived in Minco before your marriage to Mr. Campbell? A Well, I don't know exactly.
Q Well, aproximately? A Well, we had been there about five or six years.
Q You were married under United States law were you not?
A Yes sir.

BY MR. RILEY:

Q What is your husband's full name, Mrs. Campbell?
A Samuel Sullivan.
Q What did you say your full name was? A Clara Susanne.
Q Are you the same person that was married to S. S. Campbell under the name of Clara Clayton? A Yes sir.
Q And your husband is the same person as the S. S. Campbell to whom a license was issued to marry? A Yes sir.
Q Since your marriage to Mr. Campbell, you have always resided in the Chickasaw Nation, Indian Territory, have you?
A Yes sir.
Q You have never resided out of the Territory since your marriage?
A No sir.
Q You and him have never been separated or divorced since your marriage? A No sir.

(Witness excused.)

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 29th of December, 1906, and that the above and foregoing transcript is a trueand complete translation of her stenographic notes.

Lenora B. Ashton.

Subscribed and sworn to before me this 31st day of December, 1906.

Walter W. Chappell.
Notary Public.

7-5729.
O.L.J.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that application was duly made to the Commissioner to the Five Civilized Tribes for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (Public. No. 129).

It further appears from the record herein that on November 25, 1901, the applicant, Clara S. Campbell, was lawfully married to Samuel S. Campbell, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 15115 upon a list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior, March 26, 1904; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously as husband and wife in said nation from the date of their said marriage up to and including September 25, 1902.

I am therefore of the opinion that Clara S. Campbell should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641).

Muskogee, Indian Territory.
DEC [illegible]

Commissioner.

Choctaw 5729

COPY.

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 21, 1904, granting the application of Susan Frances Campbell for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizen of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7- 5729.

COPY. Choctaw 8729

Muskogee, Indian Territory, June 21, 1904.

Gilbert & Gilbert,

Attorneys at Law,

Duncan, Indian Territory,

Gentlemen:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 21, 1904, rendered its decision granting the application of Susan Frances Campbell for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

CERTIFICATE OF
RECORD OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } sct.
SOUTHERN DISTRICT }

I, C. M. CAMPBELL Clerk of the United States Court, in the Territory and District aforesaid, do hereby certify that the License for an Certificate of Marriage of Mr. S. S. Campbell and M Clara Clayton were filed in my office in said Territory and District the 16th day of May A. D. 1906, and duly recorded in Book F of Marriage Record, Page 113.

WITNESS my hand and Seal of said Court, at Ardmore this 16 day of May A D. 1906

C. M. Campbell,
CLERK.

☞ Return this license to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

SOUTHERN DISTRICT.

I, C. M. Campbell, Clerk of the United States Court for the Southern District of Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the Marriage License and Certificate issued on November 25, 1901, to S. S. Campbell and Clara Clayton.

IN TESTIMONY WHEREOF, Witness my hand and official seal, this 16th day of May, 1906.

C. M. CAMPBELL, Clerk,

By [signature] Chief Deputy.

No person is authorized to perform the Marriage Ceremony in the Indian Territory unless the proper credentials have first been recorded in the Clerk's office.

Marriage License

No. 1684

United States of America, **Indian Territory, Southern District.** } ss.

To any Person Authorized by Law to Solemnize Marriage, Greeting:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr. S. S. CAMPBELL *of* MINCO *in the Indian Territory, aged* 21 *years, and M* CLARA CLAYTON *of* MINCO *in the Indian Territory, aged* 18 *years, according to law; and do you officially sign and return this license to the parties therein named.*

WITNESS my hand and official Seal, this 25th *day of* November *A. D. 1901*

C. M. CAMPBELL
Clerk of the United States Court

By J. W. Speake, Deputy.

Certificate of Marriage

United States of America, **Indian Territory, Southern District.** } ss.

I, J. W. SPEAKE *do hereby certify that on the* 25th *day of* November *A. D. 1901 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.*

WITNESS my hand this 25th *day of* November *A. D.* 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book , *Page*

J. W. Speake,

Deputy Clerk U. S. Court.

NOTE.(a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of ONE HUNDRED DOLLARS ($100).

Y D 208

Muskogee, Indian Territory, April 23, 1902.

A. Tuttle,
Attorney At Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant enclosing the application for enrollment as a citizen of the Choctaw Nation of Ernest R. Jones, infant son of Frank E. and Maggie Jones, born February 24, 1900, and the same being in proper form has been accepted and filed with the records of the Commission as evidence of the birth of this child.

Receipt is also acknowledged of a certified copy of the marriage certificate between Frank Jones and Maggie Campbell and the same has been duly filed with the records of the Commission in the matter of the application for the enrollment of the above named child.

Yours truly,

Commissioner in Charge.

7-D-100.

Muskogee, Indian Territory, January 31, 1903.

Sam S. Campbell,

Minco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th inst., requesting a blank application for the enrollment of an infant child. A blank of such description is enclosed you herewith.

Your attention, however, is invited to the following provision of section 34 of the act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902:

> "During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days."

Respectfully,

B.C.

Acting Chairman.

Choctaw D 100.

Muskogee, Indian Territory, March 18,1903.

J. M. Campbell,

Minco, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 9 inclosing affidavit of Maggie C. Jones and physician's certificate relative to her inability to appear before the Commission, which you offer in the matter of her application for enrollment as a citizen by blood of the Choctaw Nation, and the same has been filed with the record in this case.

Respectfully,

Chairman.

[illegible] 1 [illegible] D 100

Muskogee, Indian Territory, December 11, 1903.

Gilbert & Gilbert,

Attorneys at Law,

Duncan, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 7, calling attention to the Campbell Foster case, and requesting that decision be rendered at the session of the Commission to be held December 10, 1903.

In reply to your letter you are informed that on November 18, 1903, we were instructed by the Secretary of the Interior to pass upon the claims of persons admitted to citizenship in the Choctaw and Chickasaw Nations by acts of the Choctaw National Council and the Chickasaw Legislature but we are now in receipt of a telegram under date of December 10, 1903, from the Secretary of the Interior directing us to withhold any action in this class of cases. We are therefore estopped from rendering any opinion in the Campbell-Foster case, as requested in your letter.

Respectfully,

Chairman.

T-5729

Muskogee, Indian Territory, March 24, 1904.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

Referring to original Choctaw enrollment card, number 5729, and to the duplicate thereof in your possession, James M. Campbell, etal., you are requested to place on said duplicate card, the following notation:

"Transferred from Choctaw card, No. D 100."

Respectfully,

Commissioner in Charge.

T-5729

Muskogee, Indian Territory, March 24, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

Referring to original Choctaw enrollment card, number 5729, and to the duplicate thereof in your possession, James M. Campbell, et al., you are requested to place on said duplicate card, the following notation:

"Transferred from Choctaw card, No. D 100."

Respectfully,

Commissioner in Charge.

7-5729.

Muskogee, Indian Territory, July 17, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

On July 10, 1906, the Commissioner to the Five Civilized Tribes rescinded his order of August 25, 1905, declining to receive any application for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation, and held that inasmuch as it appears from the records in his possession that application was made for said applicant within the time limited by the act of Congress approved April 26, 1906 (Public No. 129), the same should be considered as a sufficient application for her enrollment.

It will be necessary, however, before any further action can be taken therein, that this office be furnished with further information relative thereto, and for this purpose there is enclosed you herewith a blank affidavit in interrogatory form, which the applicant is requested to fill out and return to this office at the earliest possible date.

Respectfully,

DeB-1/17. Commissioner.

7-5729.

Muskogee, Indian Territory, August 23, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, requesting that a copy of the affidavit recently forwarded you, in the matter of the application for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation, be furnished you, inasmuch as the original has been lost.

A copy of said affidavit is enclosed herewith. Kindly see that the same is filled out at an early date and returned to this office.

Respectfully,

Acting Commissioner.

Enc" DeB-1/23

7-5729

Muskogee, Indian Territory, September 1, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 28, 1906, inclosing interrogatories and answers of Clara S. Campbell which you ask to have filed in support of her application for enrollment as an intermarried citizen of the Choctaw Nation and the same has been filed with the record in this case.

Respectfully,

Acting Commissioner.

7-5729.

Muskogee, Indian Territory, September 26, 1906.

Clara S. Campbell,

Tuttle, Indian Territory.

Dear Madam:

You are hereby advised that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to give further testimony relative to your right to enrollment as such citizens. For this purpose you should appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Wednesday, October 10, 1906, at nine o'clock A. M.

Your attorney, Chilion Riley, has also been notified to the same effect.

Respectfully,

Commissioner.

7-5729.

Muskogee, Indian Territory, September 28, 1906.

Clara S. Campbell,

Tuttle, Indian Territory.

Dear Madam:

You are hereby advised that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to give further testimony relative to your right to enrollment as such citizen. For this purpose you should appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Wednesday, October 10, 1906, at nine o'clock A. M.

Your attorney, Chilion Riley, has also been notified to the same effect.

Respectfully,

Commissioner.

7-8729.

Muskogee, Indian Territory, September 28, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation, it will be necessary for her to appear before this office and give further testimony relative to her right to enrollment as such citizen. For this purpose she should appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Wednseday, October 10, 1906, at nine o'clock A. M.

Similar notice has this day been forwarded to the applicant, Clara S. Campbell, at Tuttle, Indian Territory.

Respectfully,

Commissioner.

7-8729.

Muskogee, Indian Territory, September 28, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of Clara S. Campbell as a citizen by intermarriage of the Choctaw Nation, it will be necessary for her to appear before this office and give further testimony relative to her right to enrollment as such citizen. For this purpose she should appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Wednesday, October 10, 1906, at nine o'clock A. M.,

Similar notice has this day been forwarded to the applicant, Clara S. Campbell, at Tuttle, Indian Territory.

Respectfully,

Commissioner.

7-5729.

Muskogee, Indian Territory, September 28, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

This office has this day notified Clara S. Campbell of Tuttle, Indian Territory, an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, that before any further action can be taken in the matter of her application, it would be necessary for her to appear before this office on Wednesday, October 10, 1906, at nine o'clock A. M., for the purpose of giving further testimony relative to her right to enrollment as such citizen.

Respectfully,

Commissioner.

7-5729.

Muskogee, Indian Territory, September 28, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

This office has this day notified Clara S. Campbell of Tuttle, Indian Territory, an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, that before any further action can be taken in the matter of her application, it would be necessary for her to appear before this office on Wednesday, October 10, 1906, at nine o'clock A. M., for the purpose of giving further testimony relative to her right to enrollment as such citizen.

Respectfully,

Commissioner.

7-5729.

Muskogee, Indian Territory, October 11, 1906.

H. E. Green,

Tuttle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, wherein you state that owing to the physical condition of Clara S. Campbell, she will be unable to appear before this office on the date set for the hearing in the matter of her application for enrollment as a citizen by intermarriage of the Choctaw Nation, and request that the hearing therein be postponed.

In reply thereto you are advised that she may appear before this office at any time within the next sixty days.

Respectfully,

Commissioner.

7-5729.

Muskogee, Indian Territory, October 13, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, stating that owing to the physical condition of Clara S. Campbell, an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be impossible for her to appear before this office on the date set for the hearing in the matter of her application. You therein request that interrogatories be forwarded you to be answered by Mrs. Campbell.

Inasmuch as it is desires that Mrs. Campbell appear before this office in person, your request cannot be granted. As soon as her physical condition will permit, she should appear before this office as heretofore directed.

Respectfully,

Commissioner.

Memo. 210.
7-5729.

Muskogee, Indian Territory, December 20, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 17, 1906, inclosing copies of proof of service upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, advising them that on Saturday, December 29, 1906, at nine o'clock A. M., you would appear before the Commissioner to the Five Civilized Tribes for the purpose of introducing further testimony relative to the applications for the enrollment of George Rosenthal and Clara S. Campbell as citizens of the Choctaw Nation.

Respectfully,

Acting Commissioner.

CHILION RILEY JAS A COTNER

RILEY & COTNER,

ATTORNEYS AT LAW.

SPECIAL ATTENTION GIVEN TO LAND OFFICE PRACTICE.

TISHOMINGO, I.T.

Ardmore, Indian Territory, December 17, 1900.

Mansfield, McMurray & Cornish,
Attorneys for C and G Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on Saturday, December 22, 1900, I will appear at Muskogee, Indian Territory, before the Commissioner to the Five Civilized Tribes, at nine o'clock A. M., for the purpose of offering additional testimony relative to the right to enrollment of Clara S. Campbell as an intermarried citizen of the Choctaw Nation.

Respectfully,

CR

Choc 5730 Maggie Jones

~~Passing~~

5730

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 18 1903

ACTING CHAIRMAN.

Maggie C. Jones

Subscribed and Sworn to before me this 9th day of March 1902

W. A. Allyn

Probate Clerk

Eddy Co N Mx

To

The Commission to The Five Civilized Tribes

Muskogee I.T.

Sirs

Your undersigned petitioner would respectfully represent that she is a Choctaw Indian by blood; that on such she was admitted by an act of the Choctaw General Council in 1888; that subsequent to that time she went to Ney Purpis and was married there to one Frank Jones a citizen of the United States; that while there she was listed for enrollment as a citizen of the Choctaw Nation; that finally the said application was decided against and she was adjudged to be not entitled to Choctaw Citizenship by the Commission to the Five Civilized Tribes on the ground of non residence at the date of the passage of the act of June 28th 1898 and known as the Curtis Act. That she is still a non resident of the Choctaw Nation. Your petitioner would further state that she can make proper and sufficient proof of her right to be enrolled as a descendant of a Mississippi Choctaw under the terms of the 14th Article of the treaty of 1830 between the United States and the Choctaw Tribe of Indians; that her condition is such that she is not physically able to personally appear before the said Commission to make application for enrollment or Identification of herself and her minor son Ernest Elmore Jones, that she herewith presents a physicians certificate as to her condition and inability to personally appear to prosecute her said claim, wherefore she prays that the said Commission allow her to make application by mail and interrogories in order that the matter can be properly disposed of or at least docketed before the 25th day of March 1903 at which time she is informed & verily believes to make such application will expire by limitation. I was then and a resident of the Choctaw Nation on the date of the passage of the Curtis act June 28th 1898. and was enrolled at Chickasha on the day of enrollment and duly enrolled. I was a resident of the Chickasaw Nation up to March 1899. when I was married to Frank Jones a resident of Eddyley. I.T. wherefore she prays to be allowed to make application. as above set forth & she will ever pray

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 28 1902

ACTING CHAIRMAN.

CHOCTAW.

D 160

Marriage Certificate

To All Persons, Whom It May Concern: I hereby certify I have this day solemnized and do hereby publish the holy bonds of matrimony between Mr Frank Jones a resident of Eddy County New Mexico, aged - years and Miss Maggie Campbell a resident of Eddy Co N M aged 18 years at the residence of Mr Wm Jones according to the laws of this Territory of New Mexico

Given under my hand on this 3rd day of July 1898

Witness { Mr J L Campbell
Mrs Wm Jones

H Ed H Baker
Ord. Minister

Filed for record July 12th 1898

H R Owen Clerk

TERRITORY OF NEW MEXICO,
County of Eddy. } ss.

I, H R Owen Probate Clerk and ex Officio Recorder, within and for said County, do hereby certify that I have carefully compared the annexed and foregoing, Marriage Certificate

, with the record of the same in my office, and that the same is a true and perfect copy from the record book, Vol 1 Page 93 of the records of Marriage

WITNESS my hand and official seal on this 12 day of April 1902

H R Owen
Clerk and ex-Officio Recorder

By D. C

W. R. OWEN
PROBATE CLERK AND RECORDER

EDDY COUNTY

CARLSBAD, NEW MEXICO. March 9th 1903

Hon Thos Ripley

I hereby certify that Mrs maggie jones is physicaly unable to attend this term of Dawes commission.

Chas. H. McGinnis M.D.

Subscribed to and sworn to before me this the 9th day of March 1902

W R Owen Probate Clerk
Eddy Co N M

CHOCTAW. 20 INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Ernest E. Jones

as a citizen of

Choctaw Nation.

Approved APR 28 1902 100

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 28 1902

ACTING CHAIRMAN.

CHOCTAW.
D100

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Ernest E Jones, born on the 24 day of Feby, 1900
(Here insert name of child.)
Name of Father: Frank H Jones a ~~citizen of the~~ a White man ~~Nation.~~
Name of Mother: Maggie Jones a citizen of the Choctaw Nation.
Post-office Ninnekah I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
~~TERRITORY~~ of New Mexico
County of Eddy ~~District~~.

I, Maggie Jones, on oath state that I am Twenty-two years of age and a citizen by Birth, of the Choctaw Nation; that I am the lawful wife of Frank H Jones a white man, ~~who is a citizen, by~~ ~~, of the~~ Nation; that a Male (male or female.) child was born to me on 24 day of February 1900; that said child has been named Ernest E Jones, and is now living.

Maggie Jones.

WITNESSES TO MARK:
(Must be Two Witnesses.)

Subscribed and sworn to before me this 12 day of April 1902
W E Brown Probate Clerk
~~NOTARY PUBLIC~~

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
~~TERRITORY~~ of New Mexico
County of Eddy ~~District~~,

I, Barbara Jones, a Midwife, on oath state that I attended on Mrs. Maggie Jones, wife of Frank H Jones on the 24 day of Feby, 1900; that there was born to her on said date a Male (male or female.) child; that said child is now living and is said to have been named Ernest E Jones.

Barbara her + mark Jones

WITNESSES TO MARK:
(Must be Two Witnesses.)
W E Brown
J L Scoggin

Subscribed and sworn to before me this 12 day of April 1902
W E Brown Probate Clerk
~~NOTARY PUBLIC~~

7-D-100

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chickasha, Indian Territory, October 17, 1902.

----o----

In the matter of the application for the enrollment of James M. Campbell, et al., as citizens by blood of the Choctaw Nation.

Said James M. Campbell, being first duly sworn, testified as follows.

Examination by the Commission.

Q What is your name? A James M. Campbell.
Q How old are you? A Fifty-five years old.
Q What is your postoffice address? A Mince.
Q You claim to be a citizen by blood of the Choctaw Nation? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Susan Frances.
Q Is she a citizen by intermarriage? A She's a citizen by blood--she was admitted the same as I was.
Q She is a white woman, isn't she? A Yes sir.
Q You were admitted by an act of the Choctaw Council of November 5, '88? A Yes sir.
Q Your wife was admitted with you? A Yes sir.
Q Were any of your children included in that act of admission? A Yes sir.
Q Who? A Annie Jones and her two children, and Ella White and one child.
Q Was Maggie included in that act of admission? A Yes sir.
Q Any other of your minor children? A Sol, Minnie and Billy.
Q They were all included in that act of admission? A No sir, only down to Minnie.
Q The other children were born since then? A Yes sir.
Q Are all these children living with you now? A No--Maggie is married now--Sam is married too.
Q Have you and Susan Frances Campbell been living together continuously as man and wife since your admission in '88? A Yes sir.
Q Been no separation, desertion or divorce? A No sir.
Q Where were you living at the time you and your family were admitted to citizenship in the Choctaw Nation? A We lived at Caddo a while.
Q Where were you living when you were admitted? A We were living in Texas at the time.
Q How long after the act of admission did you remove to the Indian Territory? A Next Fall, I believe it was.
Q That was in '89 ? A Yes sir.
Q Have you lived here since that time? A Yes sir.
Q Neither you or any of the members of your family have ever made your home anywhere except in Indian Territory? A Annie Jones has; she has lived away from here on account of her health.

Q But you and your wife and your minor children have lived here continuously? A Yes sir.
Q Never have been out of the Territory? A Not to move away--no sir, only for a little while at a time.
Q Where does Maggie Jones live? A Part of the time she's at home here and part of the time she's out west with her husband.
Q Where does her husband live? A He's up here at home now.
Q Where is his home? A At Mince but he stays at the ranch most of the time.
Q What do you mean by out west? A Out there on the ranch in New Mexico.
Q You have been in New Mexico? A Yes sir, but I never moved away from here.
Q How long did you stay in New Mexico? A I went there in February this year.
Q Stayed out there until when? A About two months ago.
Q I asked you if you had maintained a continuous residence in Indian Territory? A Yes sir.
Q Now, you state that you have been in New Mexico; have you lived any other place than New Mexico? A No sir.
Q Did you move your family to New Mexico? A Part of them.
Q Did you carry your minor children with you when you went there? A Yes sir.
Q What was your idea in going to New Mexico? A I rented my place here and went out there.
Q Did you carry your household goods to New Mexico? A No sir, not any.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Chickasha, Indian Territory, October 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Miles

Subscribed and sworn to before me this the 23 day of October, 1902.

C S Hamm

Notary Public.

Choc 5731 James Lee Campbell

5731

Muskogee, Indian Territory, August 6, 1900.

Mr. James L. Campbell,

Minco, Indian Territory,

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Eva Francois Campbell, infant daughter of Katie and James L. Campbell, born June 10th, 1900, and the same, being in proper form, has been duly filed with the records of the Commission.

Yours truly,

7-D 104

Acting Chairman.

7-D-104

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chickasha, Indian Territory, October 17, 1902.

In the matter of the application for enrollment of James Lee Campbell and his three minor children as citizens by blood and for the enrollment of his wife, Katie, as a citizen by intermarriage of the Choctaw Nation.

James Lee Campbell, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A James Lee Campbell.
Q What is your age? A Thirty-one.
Q What is your postoffice address? A Tuttle.
Q Chickasaw Nation? A Yes sir.
Q You are an applicant for the enrollment of yourself and three minor children, Henry L.D., Irene and Eva Frances, as citizens by blood of the Choctaw Nation and for the enrollment of your wife, Katie, as a citizen by intermarriage? A Yes sir.
Q You did have a child, Charlie G. M., who is now dead? A Yes sir.
Q You were admitted to citizenship in the Choctaw Nation by an act of the the National Council of November 5, 1888? A Yes sir.
Q How long after that act of admission before you moved to the Chickasaw Nation? A We were here at that time I think.
Q Were you living here at that time? A Yes sir.
Q Have you resided here continuously ~~ma~~ since that time? A Yes sir.
Q You have never made your residence elsewhere? A No sir.
Q After the act of admission you were married to a white woman, were you? A Yes sir.
Q When were you married to her? A I was married in '92, I think.
Q What was her name? A Katie Denny. (1-22-93)
Q She is your present wife? A Yes sir.
Q Where were you married to her? A In this City.
Q Was you ever married before you were married to her? A No sir.
Q Was she ever married before she married you? A No sir.
Q Married to her under a Chickasaw license? A I declare I don't know whether it was Chickasaw or Choctaw.
Q Where did you obtain your license? A My father got it down here in the Territory.
Q How much did you pay for the license? A Fifty dollars.

It will be necessary that you secure either the original or a certified copy of your marriage license as proof of your marriage to this woman.

James Lee Campbell, et al-2

Q Since your marriage to this woman, Katie Denny, have you lived with her continuously up to the present time? A Yes sir.
Q Been no separation or divorce? A No sir.
Q You and your family are now living together in the Chickasaw Nation as actual, bona fide residents, are you? A Yes sir.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause heard at Chickasha, Indian Territory, October 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Miles

Subscribed and sworn to before me this the 24 day of October, 1902.

C A Hamm

Notary Public.

W.F.
D.C.D.

7-5731.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Campbell as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on January 22, 1893 the applicant, Katie Campbell (nee Denny), was married in accordance with the laws, customs and usages of the Chickasaw Nation to James Lee Campbell, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15119 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 26, 1904; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously in said Nation as husband and wife from the date of said marriage up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, Chickasaw District, number 14447, enrolled thereon as a citizen by intermarriage of said Nation.

It is, therefore, the opinion of this Commission that Katie Campbell should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Rhetts

Commissioner.

Muskogee, Indian Territory.

JUN 21 19

Choctaw 5731.

COPY.

Muskogee, Indian Territory, June 21, 1904.

Katie Campbell,

Tuttle, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations, have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7- 5731.

Choctaw 5731

COPY.

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 21, 1904, granting the application of Katie Campbell for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7- 5731.

See Choctaw D 708 for registry receipt for this letter.

M. D. CARSON,
REAL ESTATE AND LOANS.

MONEY FURNISHED TO MAKE FINAL PROOF ON CLAIMS.

LOCATIONS FURNISHED FOR CHOCTAW AND CHICKASAW CITIZENS IN CHICKASAW NATION.

MINCO I. T., Oct 14 1902

I do certify that I was present at the death of Charles G. M. Campbell on the 2 day of Nov. 1901

John K Ill C Kinnon M. D.

Subscribed and sworn to before me on this Oct 14 - 1902

M D Carson
Notary Pub.
Southern Dist D. T.

My Com. expires Nov 25 - 1905

Indian Territory,)s.s.
Southern District.)

In the matter of the enrollment of Kate Campbell as an intermarried citizen of the Choctaw Nation.

On this 19th day of December A.D.1902,personally appeared James M.Campbell,who after being sworn in due form of law says:

My name is James M.Campbell;I am55 years of age.I am a Choctaw Indian by blood,and the fatcher of James L.Campbell who is also a Choctaw by blood.

At the times of James L.Campbell's marriage with Miss Kate Denny,we were all residents of the Chickasaw Nation.On or about Jan.15 1893,I went to Brit Willis,at that time Judge of Pickens County,Chickasaw Nation,and procured from him,the said County official a License authorizing marriage between my son James L.Campbell,a citizen of the Choctaw Nation and Miss Kate Denny a citizen of the United States,whose real and full name at that time was Anna Catherine Denny.The license was regular in all respects,and paid fifty dollars for it as the law required.I took it back home and was present at the marriage ceremony at Chickasha in said Chickasaw Nation,at which ceremony E.Hamilton,at that time pastor of the Presbyterian Church of Chickasha,officiated.The license was then returned for record,but from my best information and belief,the record has been lost or unintentionally destroyed.James L.Campbell,my son and Kate Campbell his wife,nee Denny are and have been living together as husband and wife since their marriage.

J. M. Campbell

Sworn to before me and subscribed in my presence this 19 day of December A.D.1902.

M. C. Cannon

Notary Public.
My Commission expires Feby 20. 1906.

No. 3

This Certifies,

That James E. Campbell
of Mines, Ind. Ter.,
and Miss Kate Denny
of Mines, Ind. Ter
were by me united in the bonds of **MARRIAGE,**
at Chickasha, Ind. Ter
on the twenty second day of January
in the year of our Lord Eighteen Hundred
and Ninety three conformably to the
ordinance of God and the laws of the Chickasaw Nation.

Eugene Hamilton
Minister of the Gospel.

E. L. Watson
C. R. Campbell
Witnesses present at the Marriage.

Presbyterian Board of Publication, Philadelphia.

No. 7[illegible]

Affidavit of Attending Physician at Birth of Child.

IN RE APPLICATION OF

Irene Campbell

FOR CITIZENSHIP IN

Choctaw

NATION.

Approved: Nov. 30, 1898.

Commissioner

Roll 15121.

Choctaw 573

Affidavit of Attending Physician at Birth of Child.

INDIAN TERRITORY,
Southern District.

I, W. E. Brown, being duly sworn, on oath, state that I was the physician who attended on Mrs. James Campbell on the 14th day of September 1897, and that there was born to her on said date a Girl child, and that said child was named Irene, and is now living.

W. E. Brown

Subscribed and sworn to before me this 25th day of October 1898

C. T. Wells

NOTARY PUBLIC.

Case 2106

7-D-104

Indian Territory,)s.s.
Southern District.)

In the matter of the enrollment of Kate Campbell as an intermarried citizen of the Choctaw Nation.

E.Hamilton being first sworn in due form of law says;
That on the 22 day of January A.D.~~1~~1893,he was the pastor of the Presbyterian Church at Chickasha in said district,and that his credentials,were filed in the office of the Clerk of the United States Court at Ardmore and recorded in Book A page 181,and was authorized to solemnize marriage under the law;that on said date he officiated at the marriage in Chickasha in said district of James L.Campbell and Miss Kate Denny, (Denny) both of whom he understood at the time were living near Minco in said district,but who came to Chickasha to be married for the reason that the license was issued in Pickens County in the Chickasaw Nation.
This affiant remembers distinctly that said license was issued by the County Judge of said Pickens County,whose name this affiant has forgotten,and that it appeared to be regular.That after the solemnizing of the said marriage this affiant returned the license to said County Judge of Pickens County with the certificate of marriage duly filled out. That the reason this affiant remembers the form of the license is because it was the only time that he ever saw such a license.

E. Hamilton

Sworn to before me and subcribed in my presence this 19 day of December A.D.1902.

M.L. Cannon
Notary Public

Term expires Feby 20.1906.

Proff of marriage in not filed prior to
receipt of this affidavit

F. A. FISHER
ATTORNEY AT LAW.
Office in Carey & Fitzpatrick Block.

Chickasha. I. T. Mar. 15. 1897

Mrs. J. S. Campbell
Minco, I. T.

Dear Mrs. Campbell:

I am of the opinion that the Indian Court to which the license was returned, does not forward the same after record to the newly married couple. You can find out if this be so by speaking to Mr A. B. Johnson of the Minco Bank, who, I think was married, under a license issued by the same Court as yourself. In any case the Court returns the license and not the minister. I certified to the marriage, and forwarded the license to the County Judge of Pickens Co, whose name I forget. If he has not forwarded the same to you, it is because under the Chickasaw law that is probably not the custom.

The United States Court at Ardmore returns the license when recorded, and no doubt, those who informed you, supposed that this would be done by the Indian Court.

Yrs respy
E. Hamilton

7-2 D104

CHOCTAW. Enr. No. J731

IN RE

Application for Enrollment of

INFANT CHILD

Eva Francis Campbell.

as a citizen of the

CHOCTAW, Nation.

Approved, AUG 3 1900 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 6 1900

ACTING CHAIRMAN.

CHOCTAW.

NO. 1011.

1122.

J731

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Eva Francis Campbell (there insert name of child), born on the 20 day of June, 1900
Name of Father: James L. Campbell a citizen of the Choctaw Nation.
Name of Mother: Katie Campbell, a citizen of the Choctaw Nation.
Postoffice, Mines, Ind. Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Third District.

I, Katie Campbell, on oath state that I am 30 years of age and a citizen, by Marriage, of the Choctaw Nation: that I am the lawful wife of James L Campbell, who is a citizen, by blood, of the Choctaw Nation; that a Female (male or female) child was born to me on the 20 day of June 1900; that said child has been named Eva Francis Campbell, and is now living.

Mrs ~~Katie Campbell~~ Katie Campbell

WITNESSES TO MARK:
(Must be Two Witnesses) R M Johnson
T G Johnson

Subscribed and sworn to before ~~me~~ this 28 day of July 1900
A. G. Taylor NOTARY PUBLIC.
My Commission Expires July 10- 190X

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Third District.

I, W E. Brown, a M. D., on oath state that I attended on Mrs. Katie Campbell, wife of James L Campbell on the 20 day of June, 1900: that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Eva Francis

W E Brown M. D.

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this 28 day of July 1900
A. G. Taylor NOTARY PUBLIC.
My Commission Expires July 10-190X

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W.F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert R. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Posters above named— also James M. Campbell 38 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, E.E. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William H.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 8 years, John S. Paddock aged 5 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Elia Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

B.P. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

(SEAL)

3

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } sct.

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 10 day of June 1902.

Clara Mitchell Wood

Muskogee, Indian Territory, September 18, 1901.

Hon. John D. Benedict,

Supt. Schools in Indian Territory,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, requesting to be advised whether certain children named therein have been listed for enrollment as citizens of the Choctaw Nation by blood, and if so, whether by order of the United States Court or not.

You are informed that the records of this office show that on November 23, 1898, Jasper Marlow, of Kiowa, I. T., and his minor children:

Robert E. Marlow	12	years of age
Haley Margaret "	10	" " "
Ernest J. "	6	" " "
Roy "	4	" " "

were listed for enrollment as citizens of the Choctaw Nation in pursuance of a judgment rendered by the United States Court for the Central District of the Indian Territory, at South McAlester, I.T., July 12, 1897, Court Case #64.

The records further show that James Lee Campbell, twenty-seven years of age, of Minco, Indian Territory, and Charlie S. M. Camp-

bell, his son, five years of age, were listed for enrollment as doubtful claimants to Choctaw citizenship October 21, 1898. The father claims to have been admitted by an act of the Choctaw Council in 1888. Their names appear upon the 1896 Choctaw Census Record No. 2, as Choctaws residing in the Chickasaw District. Neither of these persons were admitted by a judgment of the United States Court.

The records further show that on October 12, 1899, at Tushkahoma, Indian Territory, James M. Campbell made application for the enrollment as citizens by blood of the Choctaw Nation of Pearl, Rosie and Beulah Snider. Their ages are respectively, thirteen, eleven and nine years. The evidence shows that the mother's name was Doretha Snider and that she had made application to the Choctaw Council for admission but before action was taken thereon she died and it is claimed that nothing further was done concerning the matter. The application of these children was refused for the reason that it did not appear that they had ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said nation or by the Commission to the Five Civilized Tribes or by a judgment of the United States Court in Indian Territory.

If this is not the child concerning whom you make inquiry, you are requested to communicate further with this office.

Yours truly,

7-8048
7-M104
7-R898

Acting Chairman.

7-D-104.

Muskogee, Indian Territory, December 30, 1902.

A. Tolle,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 24, 1902, enclosing the affidavits of E. Hamilton and J. M. Campbell relative to the marriage of James L. Campbell and Kate Denny, and the same have been filed with the record in the matter of the application of Katie Campbell for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

(To be written as "Note" on face of card)

In the matter of t e a plication of James Lee Campbell for enrollment as Choctaw c tizen.

J.M.Campbell father of James Lee Campbell states that he was present at his marriage; that he married about January 1893, and that he procured l icense for his son, and paid $50.00 therefor, from Brit Willis County Judge; and that the marriage ceremony was performed by Rev. Hamilton.

Enc 2 10W

Choc 5732 Charles R. Campbell

n°6 Granted 6-13-06

5732

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of.....

SUSAN JOSEPHINE CAMPBELL.....7-5732.

Memo.-

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, August 14, 1905.

In the matter of the application for the enrollment of Susan J. Campbell as a citizen by intermarriage of the Choctaw Nation.

Chilion Riley of Ardmore, Indian Territory, appearing as attorney for the applicant.

Charles R. Campbell being first duly sworn testified as follows:

Examination by Mr. Riley:

Q Give your name, age and residence? A Charles R. Campbell, Tuttle; 31 years old.
Q Are you married? A Yes sir.
Q What is your wife's name, in full? A Susan Josephine Campbell.
Q When were you and Susan J. Campbell married? A In 1894, the 25th of July.
Q Did you ever appear before the Dawes Commission at any time for the purpose of enrolling your wife? A I did, at Chickasha.
Q Do you remember about when that was? A That was in 1898 I believe.
Q The first or second time? A The first time.
Q What did you ask the Commission to do? A I asked them if they was going to put wife on the roll.
Q Did you tell them that you wanted her enrolled? A Yes sir.
Q Who were you talking to at that time? A Mr. Bixby.
Q What did he tell you? A He said that he could put her on the roll in the Choctaw Nation; he couldn't in the Chickasaw.
Q Did you make application for her as an intermarried Choctaw or Chickasaw? A I told them that she was an intermarried Choctaw.
Q What was said about your going to the Choctaw Nation to make application? A He said that if I would go to the Choctaw Nation he would list her for enrollment.
Q Who else, if you know, was present at that time? A I think Tom Campbell and Milas Beddingfield.
Q Where is Milas Beddingfield? A He lives at Pocasset, Chickasaw Nation.
Q He is not here today is he? A No sir.
Q How were you married to your wife? Under Indian or United States license? A United States law.
Q What court issued your license? A ElReno, Oklahoma.
Q You were married in Oklahoma? A No we was married in the Chickasaw Nation under that marriage license.
Q Who was present at the time of your marriage? A Tom Campbell, he was present, and several other folks were there.
Q Tom Campbell is here today? A Yes sir.
Q He is a brohter of yours? A Yes sir.

Examination by the Commission.

Q When did you say that you were married? A On July 25, 1894.
Q At the time of your marriage to Susan J. Campbell had you ever been married before? S No sir.
Q Had she ever been married before? A No sir.
Q Where were you living at that time? Near Mimco in the Chickasaw Nation.
Q Where was she living? A Near Mimco, Chickasaw Nation.

Q From the time you married her until the present time, have you and she lived together continuously as man and wife? A Yes.
Q Never has been any separation? A No sir.
Q Have you any children? A Yes sir.
Q What are their names? A Annie D/ Campbell, John M. Campbell, Agnes E. Campbell, Charles C. Campbell, Ella A. Campbell and Marshall A. Campbell.

Witness Charles R. Campbell, is identified on Choctaw Field Card No. 5732 and as No.15123 on the final roll of Choctaw by blood, approved by the Secretary of the Interior March 26, 1904.

Witness excused.

Thomas A. Campbell being first duly sworn, testified as follows:
By Mr. Riley:
Q What is your name? A Thomas A. Campbell.
Q What is your age? A 29 years.
Q What is your postoffice address? A Tuttle, Indian Territory.
Q Are you a brother of Charles R. Campbell? who has just testified? A I am.
Q Were you present Mr. Campbell, at the time of his marriage to his present wife? A Yes sir.
Q Do you remember who performed the marriage ceremony? Was it a preacher? A Yes sir, it was a preacher.
Q At whose house was that marriage? A Ed Whites.
Q He is a brother-in-law of yours? A Yes sir.
Q Has your brother and his wife lived together all the time since they were married? A Yes sir.
Q You were present at Chickasha sometime in the fall of 1898, when your brother, Charles R. Campbell went before the Commission to the Five Civilized Tribes? A Yes, I think I was--yes I was there.
Q Did you hear any conversation, or any application that he made to the Commission at that time relative to his wife's enrollment? A Yes, I think I did. Well, I know I did, but the words I can't say exactly.
Q Who was the conversation between? A I can't say for sure, but I think it was Mr. Bixby.
Q Do you remember the contents of that conversation? A Yes sir.
Q State just about what he said and what Mr. Bixby said?
A He stated he wouldn't enroll--
Q State first what your brother said? A He asked Mr. Bixby to enroll his wife as an intermarried Choctaw and Mr. Bixby wouldn't do it then.
Q Did he say anything about your brother not having married under Chickasaw license or not? A Well, I don't remember whether he did or not.
Q But you do remember that there was a conversation between your brother and some member of the Dawes Commission relative to his wife's enrollment at that time? A Yes, I remember that.
Q Where has your Brother Charles R. Campbell lived since he was married to his wife? A Lived near Minco.
Q Chickasaw Nation? A Yes sir.

Examination by the Commission.
Q When was it that this appearance was made by your brother Charles R. Campbell? A I think it was 1898, in the fall.

Q Do you remember the month? A No, I don't.
Q You say that he wanted to enroll his wife and Mr. Bixby wouldn't do it? A No. That was my understanding.
Q Do you remember what Mr. Bixby said was the reason he would not do it? A I suppose it was because they wasn't married according to Indian law.
Q Did you hear anything that made you conclude that? A Yes sir.
Q What did he say, if anything? A I don't just remember the conversation but that was the opinion of everybody at that time.
Q The "opinion of everybody" isn't very definite. What did Mr. Bixby say, if you can remember? A I don't remember.
Q How do you know that Mr. Bixby wouldn't enroll her?
A Because she was there to be enrolled.
Q Did you hear Mr. Bixby say that he wouldn't enroll her? A I think I did; I couldn't say for sure.
Q So you are not positive whether Mr. Bixby said anything about it at all? A Yes.
Q But you can't tell what it was? A No sir.

Witness excused.

Susan J. Campbell being first duly sworn testified as follows:

Examination by Mr. Riley:
Q Give your name in full? A Susan Josephine Campbell.
Q You are the wife of Charles R. Campbell, who has just testified.
A Yes sir.
Q When were you married to Charles R. Campbell? A July 25,1894.
Q You are a white woman? A Yes sir.
Q What is your father's name? John M. Jones.
Q Is he living ? A Yes sir.
Q And your mother's name? A Ann Jones.
Q Is your mother living? A No sir.
Q Were you ever married before your marriage to Charles R. Campbell? A No sir.
Q What was your maiden name? Jones? A Yes sir.
Q Have you and Mr. Campbell lived together ever since your marriage? A Yes sir.
Q There has been no separation? A No sir.
Q Where have you lived since your marriage? Near Mimco, Chickasa w Nation, Indian Territory.
Q I will ask you to examine this birth affidavit of your child, Charles Carroll Campbell and see whose signature that is?
A That is mine.
Q Did you sign that? A Yes sir, I did.
Q Did you swear to it? A Yes sir.
Q Before a Notary Public? A Yes sir.

Applicant desires to offer in evidence copy of the birth affidavit making application for Charles Carroll Campbell which was made and sworn to by the applicant on April 14, 1900, and filed with the Commission on April 17, 1900, and approved by the Commissioner May 24, 1900, and asks that it be considered as evidence in this case, showing the application of this woman. Filed, marked Exhibit A.,and made a part of this record.
Examination by the Commissioner:
Q Were you ever married before you married Charles R. Campbell?
A No sir.

4-Susan J. Campbell.

Q Was he ever married befpre he married you? A No sir.
Q Do you know anything about this application which he claims to have made at Chickasha in 1898? A Nothing only he just told met that he made it. I wasn't there.
Q Where were you living then? A We were living at Mince.
Q Did he leave home for the purpose of appearing before the Dawes Commission at that time do you know? A Yes sir.
Q What did he tell you when he got back? Anything? A He just told me that he had tried to enroll me, or something to that effect.
Q Did he tell you what the Commission had said about the matter? A Well, I don't know if he did or not; if he did, I have forgotten.
Q You have never made any personal appearance before the Commission until the present time, have you? A No sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this August 18, 1905.

Edward Merrick

Notary Public.

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Minco I T, (Here insert name of child) born on the 31 day of Jan, 1900
Name of Father: Chas R. Campbell a citizen of the Choctaw Nation.
Name of Mother: Susan J. Campbell a citizen of the Choctaw Nation.
Postoffice Minco, I T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern DISTRICT.

I, Susan J Campbell, on oath state that I am 23 years of age and a citizen by marriage of the Choctaw Nation; that I am the lawful wife of Chas R. Campbell, who is a citizen, by blood, of the Choctaw Nation; that a male (Male or Female.) child was born to me on 31 day of Jan, 1900; that said child has been named Chas Carroll Campbell, and is now living.

Susan J. Campbell

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14 day of April, 1900.

(Seal) My Com expires Sept 9. 1901

R. M. Johnson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern DISTRICT.

I, W. E. Brown, a Physician, on oath state that I attended on Mrs. Susan J. Campbell wife of Chas R. Campbell on the 31 day of Jan, 1900; that there was born to her on said date a (Male or Female.) child; that said child is now living and is said to have been named Chas Carroll Campbell

W. E. Brown. M.D.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14 day of April, 1900.

(Seal)

R. M. Johnson
Notary Public.

Memo.-123.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Susan Josephine Campbell as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on August 14, 1905, Susan Josephine Campbell appeared before the Commissioner to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Charles R. Campbell testified that in 1898 he appeared before the Commission to the Five Civilized Tribes at Chickasha, Indian Territory, and attempted to make application for the enrollment of his wife, Susan Josephine Campbell as a citizen by intermarriage of the Choctaw Nation, but was informed by Mr. Bixby, one of the Commissioners, that if he would go to the Choctaw Nation he (Mr. Bixby), would list her for enrollment, and that there was present on said occasion, Tom Campbell and Milas Beddington.

Thomas A. Campbell testified that he was present before the Commission to the Five Civilized Tribes at Chickasha, Indian Territory, in the fall of 1898 and heard his brother, Charles R. Campbell, make application for the enrollment of his wife, Susan Josephine Campbell, as a citizen by intermarriage of the Choctaw Nation, but does not remember what Commissioner Bixby stated in reply.

It appears from the records of said Commission that on April 17, 1900, there was filed with said Commission, written application for the enrollment of Charles Carroll Campbell, the infant son of Susan Josephine Campbell and Charles R. Campbell, which application is composed in part, of the affidavit of the said Susan Josephine Campbell, to the effect that she is the lawful wife of Charles R. Campbell who is a citizen by blood of the Choctaw Nation, and that she is the mother of said Charles Carroll Campbell.

I am of the opinion that the written application for the enrollment of Charles Carroll Campbell filed with the Commission to the Five Civilized Tribes on April 17, 1900 should be treated as a sufficient application for the enrollment of said Susan Josephine Campbell as a citizen by intermarriage of the Choctaw Nation, made within the time limited by the provisions of the said Act of Congress approved July 1, 1902 (32 Stats., 641), and that the same should now be determined on its own merits, and it is so ordered.

Muskogee, Indian Territory,

JAN 11 1906.

Commissioner.

INDIAN TERRITORY,

SOUTHERN DISTRICT.

Cora Meeks being duly sworn states that She is personally acquainted with Charles R. Campbell and his wife Susan J. Campbell and has known them for thirteen years; that She was present when the said Charles R. Campbell and Susan J. Campbell were married and saw the ceremony performed; that the said marriage took place in the Chickasaw Nation at the residence of J. E. White and was performed by T. R. Bozeman, a minister of the gospel.

Witnesses:
J. A. Stewart
Lee T. Coffey

her
Cora + Meeks
mark

Subscribed and sworn to before me this the 16th day of April, A. D., 1906.

J. A. Stewart

My commission expires Feb. 25, 1909.

Notary Public.

INDIAN TERRITORY,

SOUTHERN DISTRICT.

James Lee Campbell being duly sworn states that he is personally acquainted with Charles R. Campbell and his wife Susan J. Campbell and has known them for Sixteen years; that he was present when the said Charles R. Campbell and Susan J. Campbell were married and saw the ceremony performed; that the said marriage took place in the Chickasaw Nation at the residence of Ed White and was performed by J. R. Bynum, a minister of the gospel.

James Lee Campbell

Subscribed and sworn to before me this the Eleventh day of April, A. D., 1906.

My Com Expires 10-17-1908. [illegible] Notary Public.

7-5732.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susan Josephine Campbell as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was duly made to the Commission to the Five Civilized Tribes for the enrollment of Susan Josephine Campbell as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

It further appears from the record herein that on July 25, 1894, the applicant, Susan Josephine Campbell, was lawfully married to Charles R. Campbell, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15123 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior March 26, 1904; that at the time of said marriage, both persons above mentioned were residents in good faith of the Chickasaw Nation; and that they lived together continuously as husband and wife in said nation from the date of their said marriage, up to and including September 25, 1902.

I am, therefore, of the opinion that Susan Josephine Campbell should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JUN 13 1906

7-5732

Muskogee, Indian Territory, June 13, 1906.

COPY.

Susan Josephine Campbell,

Tuttle, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 13, 1906, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Susan Josephine Campbell will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Registered.

Incl. 7-5732

7-8732

COPY.

Muskogee, Indian Territory, June 13, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on June 13, 1906, rendered his decision granting the application for the enrollment of Susan Josephine Campbell as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Susan Josephine Campbell will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED
Tams Bixby

Registered.

Commissioner.

7-8732

Muskogee, Indian Territory, June 13, 1906.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 13, 1906, granting the application for the enrollment of Susan Josephine Campbell as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Susan Josephine Campbell will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-8732

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. P. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 36 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams Nee Foster 32 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, G.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, E.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 3 years, also their married daughter Ella White nee Campbell aged 16 and her husband J.M. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 8 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William E.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 8 years, John W. Paddock aged 5 years, also Jane Raymondall nee Campbell 30 years of age her husband Joseph Raymondall aged 37 years, their son aged about 8 years (name not now remembered)- the above named Campbells being the children and grandchildren of Eliz Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship.

Approved Nov. 8th, 1888.

B.F. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 19th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

(seal)

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss.
NORTHERN DISTRICT.)

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William P. Foster et al to citizenship in the Choctaw Nation approved November 8, 1888, including the certificate of the National Secretary of said Nation thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 10 day of June 1903.

Clara Mitchell Wood
Notary Public

7-5732

UNITED STATES OF AMERICA,
TERRITORY OF OKLAHOMA,
COUNTY OF CANADIAN.

I, J. D. Phelps Judge ~~& Ex Officio~~ Clerk of the ____ Probate ____ Court, do hereby certify that I am the legal custodian of the marriage records of said county and that after diligent search of the same have failed to find any record of the marriage of Charles R. Campbell and his wife Susan J. Campbell.

WITNESS MY HAND and the seal of said Court at El Reno, Oklahoma Territory, this 23 day of April 1906.

J. D. Phelps
Judge ~~& Ex Officio~~ Clerk. of the Probate Court.

7-D-103

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chickasha, Indian Territory, October 17, 1902.

In the matter of the application for enrollment of Charles R. Campbell, et al., as citizens by blood of the Choctaw Nation.

Charles R. Campbell, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Charles R. Campbell.
Q How old are you? A I was born in February, '74, the 23d day of February.
Q Twenty-eight years of agem then? A Yes sir.
Q What is your postoffice address? A Tuttle.
Q Chickasaw Nation? A Yes sir, its a new postoffice, just been established here lately.
Q You claim to be a citizen by blood of the Choctaw Nation? A Yes sir.
Q You are an applicant for enrollment of yourself and your four minor children? A Yes sir.
Q What are the names of the children? A Annie D., John M., Agnes Ezella and Charles Carroll.
Q You were admitted to citizenship in the Choctaw Nation by an act of the Council of November 5, 1888? A Yes sir.
Q Where were you living at that time? A I don't just remember where we was living.
Q Where were you living at the date of the act of admission? A Positively I couldn't say.
Q Do you know that you are admitted? A Yes sir.
Q Where was you living? A I couldn't hardly say--I was small then.
Q Were you living in Indian Territory at that time? A I declare I couldn't say.
Q Where was you living from the time you were born until you was ten years old? A I could tell you the different places but I couldn't tell you the exact years.
Q Were you living in Texas? A We have lived in Texas and we have lived in New Mexico and we have lived in Indian Territory.
Q Where were you living fourteen years ago? A I couldn't say.
Q How long have you been living in Indian Territory? A We've been here about thirteen or fourteen years.
Q Have you lived here continuously for the past fourteen years? A We've been living here continuously since we've moved here and its been about fourteen years.
Q Never have lived anywhere else during that time? A No sir.
Q Never have made your home anywhere except the Indian Territory since you removed here? A No sir.

Q During that time have you lived in the Chickasaw Nation? A Yes sir.
Q You are now living in the Chickasaw Nation? A Yes sir.
Q All your children were born in the Chickasaw Nation? A Yes sir, all except one and he was born in Greer County, Oklahoma.
Q When was that? A I believe it was in '96, July 3.
Q What was you doing in Oklahoma? A I went out there to where my wife's sister was living, on a visit.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Chickasha, Indian Territory, October 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 23 day of October, 1902.

C S Hamm

Notary Public.

Exhibit "A"

IN RE

Application for Enrollment of

INFANT CHILD

Chas Carroll Campbell

as a citizen of

Choctaw Nation

Approved May 2nd 1900

J. B. Needles

Commissioner.

"Filed Apr 17. 1900
Commission to Five Tribes"

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Minco I. T. (Here insert name of child.), born on the 31 day of Jan, 1900
Name of Father: Chas R. Campbell a citizen of the Choctaw Nation.
Name of Mother: Susan J Campbell a citizen of the Choctaw Nation.
Postoffice Minco I T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, Susan J. Campbell, on oath state that I am 23
years of age and a citizen by marriage, of the Choctaw Nation;
that I am the lawful wife of Chas R. Campbell, who is a citizen, by
blood, of the Choctaw Nation; that a male (Male or Female.) child was
born to me on 31 day of Jan, 1900; that said child has been named
Chas Carroll Campbell, and is now living.

Susan J Campbell

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14 day of April, 1900.

Seal

R. M. Johnson
Notary Public.

My Com expires Sep 9 1901.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, W E. Brown, a Physician, on oath state that I
attended on Mrs Susan J. Campbell, wife of Chas R. Campbell
on the 31 day of Jan, 1900; that there was born to her on said date a (Male or Female.)
child; that said child is now living and is said to have been named Chas Carroll Campbell

W E. Brown MD

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14 day of April, 1900.

Seal

R. M. Johnson
Notary Public.

Affidavit of Attending Physician at Birth of Child.

INDIAN TERRITORY,
Southern District.

I, P K Conaway, being duly sworn, on oath, state that I was the physician who attended on Mrs. Emma Jones Campbell on the 23 day of April 1898, and that there was born to her on said date a female child, and that said child was named Agnes E. Campbell, and is now living.

P K Conaway.

Subscribed and sworn to before me this 31 day of Oct 1898.

W M Johnson
NOTARY PUBLIC.

My Commission Expires Sep. 9, 1901.

Chickasaw Judicial Dist. I. T.

IN RE

Application for Enrollment of

INFANT CHILD

Chas. Carroll Campbell.

as a citizen of the

Choctaw Nation.

Approved, MAY 24 1901 190

Commissioner.

FILED
APR 17 1900
COMMISSION TO FIVE TRIBES.

C.T.C.
D.103

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Minco I.T. (Here insert name of child.), born on the 31 day of Jan, 1900
Name of Father: Chas. R Campbell, a citizen of the Choctaw Nation.
Name of Mother: Susan J Campbell, a citizen of the Choctaw Nation.
Postoffice, Minco, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Southern District. }

I, Susan J Campbell, on oath state that I am 23 years of age and a citizen, by marriage, of the Choctaw Nation; that I am the lawful wife of Chas. R Campbell, who is a citizen, by Blood, of the Choctaw Nation; that a male (male or female) child was born to me on the 31 day of Jan 1900 that said child has been named Chas. Carroll Campbell, and is now living.

WITNESSES TO MARK: Susan J Campbell

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 14 *day of* April 1900

My Com. expires Sep. 9, 1901 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Southern District. }

I, W. E. Brown, a Physician, on oath state that I attended on Mrs. Susan J Campbell, wife of Chas R Campbell on the 31 day of Jan, 1900 that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Chas. Carroll Campbell.

W. E. Brown M. D.

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 14 *day of* April 1900

NOTARY PUBLIC.

7-5732

Muskogee, Indian Territory, January 17, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

For your information there is inclosed herewith card showing name and information placed at No. 6 on Choctaw roll card 5732, Charles R. Campbell, et al.

You are therefore directed to make duplicate Choctaw card in your possession conform to this information and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Commissioner.

7-17.

7-5732

Muskogee, Indian Territory, January 17, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

For your information there is inclosed herewith card showing name and information placed at No. 6 on Choctaw roll card 5732, Charles R. Campbell, et al.

You are therefore directed to make duplicate Choctaw card in your possession conform to this information and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Commissioner.

EB 8-17.

7-5732.

Muskogee, Indian Territory, April 6, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of Susan J. Campbell, wife of Charles R. Campbell, of Tuttle, Indian Territory, as a citizen by intermarriage of the Choctaw Nation, it will be necessary that this office be furnished with either the original or a certified copy of the certificate of marriage, showing her marriage to Charles R. Campbell.

Kindly give this matter your immediate attention.

Respectfully,

Acting Commissioner.

7-5732

Muskogee, Indian Territory, May 1, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 24, 1906, inclosing certificate of J. I. Phelps which you ask to have filed in the matter of the application of Susan J. Campbell for enrollment as an intermarried citizen of the Choctaw Nation and the same has been filed with the record in this case.

Respectfully,

Commissioner.

Choc 5733 Thomas A. Campbell

#5 Granted 4-25-06

5733

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-------ooOoo-------

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of - - - -

Sarah A. Campbell,

7-5733.

Memo.-

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, August 14, 1905.

In the matter of the alleged application for the enrollment of Sarah A. Campbell as a citizen by intermarriage of the Choctaw Nation.

Chilion Riley of Ardmore, Indian Territory, appearing as attorney for the applicant.

Thomas A. Campbell, being first duly sworn, testified as follows:

Examination by Mr. Riley:

Q Give your name, age and postoffice address? A Thomas A. Campbell, 29 years, Tuttle, Indian Territory.
Q Are you the husband of Sarah A Campbell? A Yes sir.
Q When were you married to Sarah A. Campbell? A In 1895.
Q Where were you married? A Married near Minco.

Mr. Riley, on behalf of the applicant, offers in evidence the certificate of marriage between the witness and Sarah A. Campbell, showing that the marriage occurred on the 14th day of July, 1895, and was solemnized by A. M. Averyt, which certificate is filed with the application of Thomas A. Campbell and his children, Citizenship Case No. 5733, a certified copy of which is hereto attached and marked Exhibit A., and made a part of his record.

Q Who was A. M. Averyt? A He was a preacher; a minister of the gospel.
Q Where were you living at the time you weremarriedoto your wife, Sarah A. Campbell? A I was living near Minco, Chickasaw Nation.
Q Had you ever been married before you were married to her?
A No sir.
Q Had she ever been married before she married you? A No sir.
Q Where is your wife, Sarah Campbell, now? A She is dead.
Q Did you and she live together from the time of your marriage continuously up to the time of her death? A Yes sr.
Q And lived all the time in the Chickasaw Nation, Indian Territory
A Yes sir.
Q I will ask you to examine the birth affidavit in the matter of the application for the enrollment of May Dean Campbell, and tell me whose signature that is? A That is my wife's, Sarah A. Campbell.

Mr Riley, on behalf of the applicant, offers in evidence birth certificate A making application for the enrollment of May Dean Campbell, minor child of Thomas A. Campbell and Sarah A. Campbell on January 29, 1902, before J. A. Stewart, a Notary Public, and filed and approved by the Commission on April 4, 1902, and asks that same be considered as evidence in the matter of this application.

Q Mr. Campbell, when did your wife Sarah A. Campbell, die?
A October 11, 1902.

2-Sarah A. Campbell.

Q You never filed a death affidavit for her with the Commission did you? A No sir.

Examination by the Commission:
Q Was any application ever made to the Dawes Commission for the enrollment of your wife during her lifetime? A No sir.
Q All you claim to have done in the way of making application was the filing of this birth affidavit for your child? A Yes sir.

Examination by Mr. Rilry.
Q What is the name of your wife's father? A John N. Jones.
Q What is her mother's name? A Ann Jones.
Q Is her father living? A Yes sir.
Q Is her mother living? A No sir.
Q Your wife was a white woman was she? A I always considered her a white woman.
Q Were her parents white people also? A Yes sr.
Q There is no claim that she had any Indian blood that you know of? A I don't know; I have heard them say so.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Susbcsribed and sworn to before me this August 19, 1905.

Edward Merrick
Notary Public.

Exhibit "A"

C E R T I F I E D C O P Y.

Be it known to all men that I, A. N. Averyt, a duly authorized minister of the M. E. Church South, did on the 14th July, 1895 unite in holy matrimony Mr. Thos. A. Campbell and Miss Sarah A. Jones, both of Pontotoc Co., C. N.? I.T., and there were present as witnesses the parents and friends of both parties.

Witness my hand and seal this the 14th day of July, A. D., 1895.
(Signed) A. N. Averyt

Witness our hand.

A certified copy of the above marriage certificate bears the following enrorsement:

Department of the Interior
Commission to the Five Civilized Tribes
Filed Apr. 4, 1902.

Tams Bixby, Acting Chairman.
Choctaw D-110.

I, Frances R. Lane, a stenographer to the Commission to the Five Civilized Tribes, hereby certify that the above and foregoing is a full, accurate and complete copy of a marriage license now on file with the records of the Commission to the Five Civilized Tribes, filed in the Choctaw Citizenship case of Thomas A. Campbell et al., 7-5733.

Frances R. Lane

Subscribed and sworn to before me this August 18, 1905.

Edward Merrick
Notary Public.

20

IN RE

Application for Enrollment of

INFANT CHILD

May Dean Campbell

as a citizen of

Choctaw Nation

Approved APR 4 1902 190

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

FILED

APR 1902

Acting Chairman

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of May Dean Campbell (To insert name of child), born on the 11th day of August, 1901
Name of Father: Thomas A. Campbell a citizen of the Choctaw Nation.
Name of Mother: Sarah A. Campbell a citizen of the Choctaw Nation.
Postoffice Minco, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, Sarah A. Campbell, on oath state that I am twenty three years of age and a citizen by marriage, of the Choctaw Nation; that I am the lawful wife of Thomas A. Campbell, who is a citizen, by birth, of the Choctaw Nation; that a female (Male or Female.) child was born to me on 11th day of August, 1901; that said child has been named May Dean Campbell, and is now living.

Sarah A. Campbell

WITNESSES TO MARK:

(Must be Two Witnesses.) {

Subscribed and sworn to before me this 29th day of January, 1902.

Seal

J. A. Stewart
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, Walter E. Brown, a Physician, on oath state that I attended on Mrs. Sarah A. Campbell, wife of Thomas A. Campbell on the 11th day of August, 1901; that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named May Dean Campbell

Walter E. Brown

WITNESSES TO MARK:

(Must be Two Witnesses.) {

Seal Subscribed and sworn to before me this 29th day of January, 1902.

J. A. Stewart
Notary Public.

My Com. expires Oct 18. 1905

Memo.-124.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application for the enrollment of Sarah A. Campbell as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on August 14, 1905, Thomas A. Campbell appeared before the Commissioner to the Five Civilized Tribes and presented evidence relative to an application alleged to have been made for the enrollment of his wife, Sarah A. Campbell, as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Said Thomas A. Campbell testified that no personal application had ever been made for the enrollment of his wife as a citizen by intermarriage of the Choctaw Nation, but that on April 4, 1902, there was filed with the Commission to the Five Civilized Tribes, a written application for the enrollment of May Dean Campbell, the minor daughter of said Sarah A. Campbell.

It appears from the records of the Commission to the Five Civilized Tribes that on April 4, 1902, there was filed with said Commission, a written application for the enrollment of May Dean Campbell, the infant daughter of the applicant, Sarah A. Campbell, and Thomas A. Campbell, which application is composed in part, of the affidavit of said Sarah A. Campbell, to the effect that she is the lawful wife of Thomas A. Campbell, who is a citizen by blood of the Choctaw Nation, and that she is the mother of said May Dean Campbell.

I am of the opinion that the written application for the enrollment of May Dean Campbell, filed with the Commission to the Five Civilized Tribes on April 17, 1900, should be treated as a sufficient application for the enrollment of Sarah A. Campbell as a citizen by intermarriage of the Choctaw Nation, made within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and that the same should now be determined on its merits, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 11 1906

7-5733.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-------ooOoo-------

In the matter of the application for the enrollment of Sarah A. Campbell as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was duly made to the Commission to the Five Civilized Tribes for the enrollment of Sarah A. Campbell as a citizen by intermarriage of the Choctaw Nation, within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

It further appears from the record herein that on July 14, 1895, the applicant, Sarah A. Campbell, was lawfully married to Thomas A. Campbell, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 15128 upon the list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior March 26, 1904, said Thomas A. Campbell having been admitted to Choctaw citizenship by an act of the Choctaw Council approved November 5, 1888; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously as husband and wife in said nation from the date of their marriage up to and including September 25, 1902.

I am, therefore, of the opinion that Sarah A. Campbell should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

APR 25 1906.

7-5733.

COPY

Muskogee, Indian Territory, April 25, 1906.

Thomas A. Campbell,

Tuttle, I. T.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 25, 1906, granting the application for the enrollment of your wife, Sarah A. Campbell as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-5733.

6

7-5733.

COPY

Muskogee, Indian Territory, April 25, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

You are hereby notified that the Commissioner to the Five Civilized Tribes, on April 25, 1906, rendered his decision granting the application for the enrollment of Sarah A. Campbell as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the enrollment of above named applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

7-5733. COPY

Muskogee, Indian Territory, April 25, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 25, 1906, granting the application for the enrollment of Sarah A. Campbell as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

Incl. 7-5733.

7-D-110

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chickasha, Indian Territory, October 17, 1902.

----o----

In the matter of the application for enrollment of Thomas A. Campbell, et al., as citizens by blood of the Choctaw Nation.

Said Thomas A. Campbell, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Thomas A. Campbell.
Q How old are you? A Twenty-six.
Q Where do you live? A Near Minco.
Q You are an applicant for the enrollment of yourself and three minor children as citizens of the Choctaw Nation? A Yes sir.
Q You was admitted by an act of the National Council of the Choctaw Nation of November 5, 88, were you? A Yes sir.
Q Where were you living at that time? A New Mexico, I think.
Q How soon after your admission did you move to the Chickasaw Nation? A '89 I think.
Q Have you resided here, with your family, continuously since that time? A Yes sir.
Q Never have made your residence anywhere else? A No sir.
Q Your wife is a white woman? A Yes sir.
Q Makes no claim as a citizen by blood or intermarriage? A No sir.
Q She is the mother of your three children? A Yes sir.
Q Her name is Sarah A. Campbell? A Yes sir.
Q You and these three children are now living together? A Yes sir.
Q As actual bona fide residents of the Chickasaw Nation? A Yes sir.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Chickasha, Indian Territory, October 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stanographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 17 day of October, 1902.

Notary Public.

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W.F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 35 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age, her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 55 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William M.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 3 years, John S. Paddock aged 3 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Eliz Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship

Approved Nov. 5th, 1888.

B.F. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : Set.
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William P. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 20 day of June, 1902.

Clara Mitchell Wood
Notary Public

Vol. 3110

Affidavit of Attending Physician at Birth of Child.

INDIAN TERRITORY,
Southern District.

I, P K Conaway, being duly sworn, on oath, state that I was the physician who attended on Mrs. Sarah Jones Campbell on the 23rd day of January 1898, and that there was born to her on said date a Male child, and that said child was named Samuel A. Campbell and is now living.

P K Conaway M D

Subscribed and sworn to before me this 16 day of Nov, 1898.

R M Johnson
NOTARY PUBLIC.
Third Judicial Dist. I. T.
My Commission expires Dec 9, 1901

...LAW.

INDEXED

20

IN RE

Application for Enrollment of

INFANT CHILD

May Dean Campbell

as a citizen of

Choctaw Nation.

Approved APR 4 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 4 1902

ACTING CHAIRMAN.

D 110

Enc Y-1

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of May Dean Campbell (Here insert name of child.), born on the 11th day of August, 1901
Name of Father: Thomas A. Campbell a citizen of the Choctaw Nation.
Name of Mother: Sarah A. Campbell a citizen of the Choctaw Nation.
Post-office Minco, Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Southern District.

I, Sarah A. Campbell, on oath state that I am twenty three years of age and a citizen, by marriage, of the Choctaw Nation; that I am the lawful wife of Thomas A. Campbell, who is a citizen, by birth, of the Choctaw Nation; that a female (male or female.) child was born to me on 11th day of August 1901; that said child has been named May Dean Campbell, and is now living.

Sarah A Campbell

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29th *day of* January 1902

J A Stewart
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern District,

I, Walter E Brown, a Physician, on oath state that I attended on Mrs. Sarah A Campbell, wife of Thomas A Campbell on the 11th day of August, 1901, that there was born to her on said date a female (male or female.) child; that said child is now living and is said to have been named May Dean Campbell.

Walter E. Brown

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29th *day of* January 1902

My Com. expires Feb. 18-1905

J A Stewart
NOTARY PUBLIC.

Copy of Marriage Certificate

Be it known that I A. N. Averyt a duly authorized minister of the M. E. Church South did on the 14th July 1895 unite in holy matrimony Mr Thos. A Campbell, and Miss Sarah A. Jones, both of Pontotoc C. & N. I. T. - and there was present as witnesses the parents and friends of both parties

Witness our hand

Witness my hand and seal this the 14th day of July A.D. 1895

A. N. Averyt

I, J.A. Stewart a Notary Public in and for the Southern District of Indian Territory hereby certify that the above is a true and correct copy of the original certificate signed this 20th day of March 1902

J.A. Stewart

Notary Public

WHITE & STEWART,

DEALERS IN

Furniture

Hardware and Implements

Undertaking

HARNESS AND SADDLES

Minco, Ind. Ter., _____ 190

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 4 1902

ACTING CHAIRMAN.

CHOCTAW.

D 110

Muskogee, Indian Territory, February 1, 1902.

Thomas A. Campbell,

Minco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of May Dean Campbell, the infant daughter of Thomas A. and Sarah A. Campbell, born August 11, 1901, and the same is returned to you herewith for the reason that before this application for enrollment can receive further consideration, it will be necessary that you furnish either the original or certified copy of your marriage license and certificate to Sarah A. Campbell, the mother of the child.

This evidence of marriage is also necessary in the matter of the application for the enrollment of your child, Samuel Augustus Campbell, as a citizen of the Choctaw Nation.

Upon receipt of the evidence of marriage requested above and the return of the application, the matter will be given further consideration.

Yours truly,

7 D 110
Rec Y 1

Acting Chairman.

7 P 110

Muskogee, Indian Territory, April 4, 1902.

Thomas A. Campbell,

Minco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of May Dean Campbell, infant daughter of Thomas A. and Sarah A. Campbell, born August 11, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Receipt is also acknowledged of the certificate of marriage between Thomas A. Campbell and Sarah A. Jones and the same has been duly filed with the records of the Commission in the matter of the application for enrollment as citizens of the Choctaw Nation of Thomas A. Campbell and his three minor children.

Yours truly,

Commissioner in Charge.

Choctaw D110
Choctaw 43

Muskogee, Indian Territory, January 3, 1903.

Frank Owens,

Connerville, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 24, asking if Norway Duke Moran, Oliver Buckles and Tom Camel are court citizens.

In reply to your letter you are advised that it does not appear from our records that any persons by the names of Norway Duke Moran, Oliver Buckles and Tom Camel are applicants to this Commission for enrollment in either the Choctaw or Chickasaw Nation. It does appear, however, that Marmaduke Y. Moran, of Hunton, Indian Territory, together with his children, has been listed for enrollment as a citizen by blood of the Choctaw Nation, having been identified from the 1896 Choctaw Census Roll, Number 2.

It further appears that Thomas A. Campbell, of Minco, Indian Territory, has been listed among the doubtful claimants to enrollment in the Choctaw Nation, and that his final right to such enrollment has not yet been passed upon. It is believed that these are the persons referred to in your letter. If Oliver Buckles is an applicant to this Commission for enrollment in either the Choctaw or Chickasaw Nation, and you will give his full name, age, and residence

the names of his parents and other members of his family who appeared at the same time, and any other information you may possess which would enable the Commission to identify him upon its records, the matter of your inquiry will receive further consideration.

Respectfully,

Acting Chairman.

Choctaw 5733

Muskogee, Indian Territory, June 15, 1905.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 7, inclosing petition of Thomas A. Campbell relative to the right to enrollment as an intermarried citizen of the Choctaw Nation of his wife, Sarah A. Campbell, deceased.

The petition inclosed with your letter is herewith returned and you are advised that if it is insisted that application has been made to this Commission for the enrollment of Sarah A. Campbell within the time provided by the act of Congress approved July 1, 1902, Mr. Campbell may appear before the Commission at its office in Muskogee, Indian Territory, accompanied by witnesses who have knowledge of such alleged application, at which time their testimony will be taken relative thereto, and the petition returned herewith may be presented at that time if it is so desired.

You are advised, however, that from the testimony of Thomas A. Campbell of October 17, 1902, referred to in his petition, copy of which is attached thereto, it appears that he stated his wife, Sarah

C R 2

A. Thompson, made no claim to enrollment as a citizen by blood or intermarriage of the Choctaw Nation.

Respectfully,

Chairman.

AB 1-15

7-5733

Muskogee, Indian Territory, January 17, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

For your information there is inclosed herewith card showing name and information placed at No. 5 on Choctaw roll card No. 5733, Thomas A. Campbell, et al.

You are therefore directed to make duplicate Choctaw roll card in your possession conform to this information and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Commissioner.

EB 10-17.

7-5733

Muskogee, Indian Territory, January 17, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

For your information there is inclosed herewith card showing name and information placed at No. 5 on Choctaw roll card No. 5733, Thomas A. Campbell, et al.

You are therefore directed to make duplicate Choctaw roll card in your possession conform to this information and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

EB 9-17.

Commissioner.

Choc 5734 mollie Bedingfield

5734

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I.T. October 17, 1902.

Choctaw D-111

In the matter of the application for enrollment as citizens of the Choctaw Nation of Mollie Bedingfield and her five minor children, Mary, Clyde, Laura M., Claud and Nona Bedingfield.

Milas D. Bedingfield being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Milas D. Bedingfield.
Q How old are you? A I am thirty-nine years old.
Q What is your post office address? A Chickasha.
Q You are a white man are you not? A Yes, sir.
Q Make any claim to rights in the Choctaw Nation? A No, sir.
Q What is the name of your wife? A Mollie Campbell.
Q She is living? A Yes, sir.
Q Has she any children living? A Yes, sir.
Q How many? A Five.
Q Name them? A Mary, Clyde, Laura M., Claud and Nona.
Q Are these children all li ving at this time? A Yes, sir.
Q You and Mollie living together as husband and wife? A Yes, sir.
Q Your wife Mollie claims rights in the Choctaw Nation by reason of an act of the Choctaw Council of November 5, 1888? A I think so.
Q She was admitted to citizenship in that Nation? A Yes; she is just the same as the Foster family.
Q She was admitted in the Foster case? A Yes, sir.
Q Where was she living when she was admitted? A I could not tell you.
Q Have you no idea? A No, sir.
Q When did she come to the Choctaw-Chickasaw country? A I could not tell you that; she was here when I first knew her.
Q When did you first become acquainted with her? A About eleven or twelve years ago.
Q Has she maintained a continuous residence in the Chickasaw Nation Indian Territory since you first became acquainted with her in 1890 or 1891? A Yes, sir.
Q Never lived anywhere else? A No, sir.
Q And is now a bonafide resident of the Chickasaw Nation? A Yes, sir.
Q All these children were born in the Chickasaw Nation and have lived here all of their lives? A I don't believe Clyde was born in the Chickasaw Nation.
Q Where was Clyde born? A In Texas, my wife was with her mother I think when he was born.
Q Aside from that he has lived here all of his life? A Yes, sir.

#2

Q And the rest of them have lived here all of their lives? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographix notes in said cause on said date.

G Rosenwinkel

Subscribed and sworn to before me this 30 day of October 1902.

C S Hemmet

Notary Public.

C O P Y.

AN ACT TO ESTABLISH THE CITIZENSHIP OF W.F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 51 years of age his wife Mary Foster 35 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Belia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years Orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Nina Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife S.F. Campbell 39 years of age, their children J.L. Campbell 14 years of age, C.R. Campbell 12 years of age, T.A. Carpbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 30 years of age, also Ephriam T. Campbell aged 56 years, his daughter Ella Campbell aged 15 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 16 years, William E.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 5 years, John S. Paddock aged 3 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 8 years (name not now remembered)- the above named Campbells being the children and grandchildren of Ella Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.B. James, Chairm. Com. on Citizenship

Approved Nov. 5th, 1888.

B.F. Smallwood,
P.C.C.N.

CERTIFICATE.

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the Original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 20 day of June 1908.

Clara Mitchell Wood
Notary Public

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of Laura M Beddingfield, born on the 26 day of Feby, 1899

Name of father M D Beddingfield, a citizen of the U S Nation.

Name of mother: M A Beddingfield, a citizen of the Choctaw Nation.

Post Office: .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, Mallie A. Beddingfield, on oath, state that I am 21 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of M D Beddingfield who is a citizen, by ——, of the U S Nation; that a ~~female~~ child was born to me on the 26 day of Feby, 1899; that ~~said child~~ has been named ~~Laura~~ M Beddingfield and is now living.

Mallie Beddingfield

Subscribed and sworn to before me this 13 day of July, 1899.

W W Johnson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
..... District.

I, Thos R Conaway, on oath, state that I attended on Mrs. M A Beddingfield wife of M D Beddingfield on the 26 day of Feby, 1899; that there was born to her on said date a ~~female~~ child; that said child is now living and is said to have been named Laura Marguerite Beddingfield

T R Conaway, M D

Subscribed and sworn to before me this 13 day of July, 1899.

W W Johnson
Notary Public.

My commission expired Sep. 9. 1901.

CHOCTAW. 20 INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Claude Asher Beddingfield

as a citizen of the

Choctaw Nation.

Approved, APR 29 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 29 1901

ACTING CHAIRMAN.

CHOCTAW.
D 111

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment as a citizen of the **Chocktaw** Nation,

of **Claude Abner Beddingfield** (Here insert name of child.), born on the **13th,** day of **October**, 1900.

Name of Father **Milus D.Beddingfield**, a citizen of the **United States.**

Name of Mother: **Mollie A.Campbell(Beddingfield** citizen of the **Chocktaw** Nation.

Postoffice, **Chickasha.I.T.**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. } **Southern** District. }

I, **Mollie A.Beddingfield**, on oath state that I am **23** years of age and a citizen, by **blood**, of the **Chocktaw** Nation; that I am the lawful wife of **Milus.D.Beddingfield**, who is a citizen, by , of the **U.S**; that a **Male** (male or female) child was born to me on the **13th** day of **October** **900.**; that said child has been named **Claude Abner Beddingfield**, and is now living.

WITNESSES TO MARK: (Must be Two Witnesses.)

Mollie A Beddingfield

Subscribed and sworn to before me this **25th,** *day of* **April** 1901

Alford Bond. NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. } **Southern** District. }

I, **W.L.Peters**, a **Physician**, on oath state that I attended on Mrs. **Mollie A.Beddingfield**, wife of **Milus D.Beddingfield**; on the **13th,** day of **October**, 1900; that there was born to her on said date a **Male** (male or female) child; that said child is now living and is said to have been named **Claude Abner Beddingfield**.

WITNESSES TO MARK: (Must be Two Witnesses.)

W L Peters M.D.

Subscribed and sworn to before me this **25th,** *day of* **April** 1901

Alford Bond. NOTARY PUBLIC.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES.
ALLISON L. AYLESWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 12th, 1900.

Holding and Bond,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:-

The Commission is in receipt of your letter of June 11th in which you ask whether the name of Laura Margaret Bedingfield, the infant daughter of Milas and Mollie Bedingfield has been by it listed for enrollment, and in reply to your letter you are advised that the name of this child has been listed with that of its mother and her other children, on Choctaw doubtful card No.D-111, but the rights of Mollie Bedingfield and her children to enrollment have not yet been determined by the Commission. You are advised, however, that the Commission contemplates taking action on all of these cases which have not yet been finally acted upon, in the near future.

Yours truly,

Acting Chairman.

7-D-111

Muskogee, Indian Territory, December 22, 1902.

Milas Bedingfield,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your affidavit and the affidavit of Charles R. Campbell, relative to the death of your daughter, Ruthie Bedingfield, a citizen by blood of the Choctaw Nation, which occurred March 28,1899, and the same being in proper form have been filed with the records of the Commission as evidence of the death of the above named person.

Respectfully,

Acting Chairman.

7-B-111.

Muskogee, Indian Territory, September 6, 1902.

M.D. Bedingfield,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Nellie A. Bedingfield and F.K. Conaway relative to the birth of Nona Thelma Bedingfield, infant daughter of M.D. and Nellie A. Bedingfield, August 22, 1902; and the same being in proper form have been duly filed with the records of the Commission as evidence of the birth of this child.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, April 29, 1901.

Holding & Bond,

Attorneys at law,

Chickasha, Indian Territory.

Gentlemen:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Claude Abner Bedingfield, the infant son of Milus D. and Mollie A. Bedingfield, born October 15, 1900, and the same being in proper form has been duly filed with the records of this Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-D-111.

Choc 5735 James Edward White

5735

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of-

JAMES EDWARD WHITE 7-5735.

(Copy)

AN ACT TO ESTABLISH THE CITIZENSHIP OF W. F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged five months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W. A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Claud Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W. F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 3 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 13 years and William F. Foster Jr. aged 11 years orphan children of Samuel D. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E. A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named--also James M. Campbell 36 years of age, his wife S. F. Campbell 39 years of age, their children J. L. Campbell 14 years of age, C. R. Campbell 12 years of age, T. A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S. S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J. E. White 30 years of age, also Ephriam T. Campbell aged 36 years, his daughter

Ella Campbell aged 13 years, and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William H. Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 3 years, John S. Paddock aged 3 years, also Jane Kuykendall nee Campbell 30 years of age her husband Joseph Kuykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Ella Campbell nee Foster now deceased who was the siter of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A. B. James, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1888.

B. F. Smallwood,

P.C.C.N.

CERTIFICATE.

--:--

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Choctaw General Council, entitled "An Act to establish the citizenship of W. F. Foster and others," now on file in the office of the National Secretary at Tushkahoma, I.T.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Choctaw Nation, done at Tushkahoma, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Ninty-Eight.

(Signed) Solomon J. Homer,
National Secretary,
Choctaw Nation.

(SEAL)

UNITED STATES OF AMERICA, :
:
INDIAN TERRITORY, : SCT.
:
WESTERN DISTRICT. :

I, Charles H. Sawyer, a Notary Public within and for the Western District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office this 10 day of December, 1902.

Charles H. Sawyer

Notary Public.

Exx

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I.T. October 16, 1902.

Choctaw D-105.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of James Edward White.

James Edward White being first duly sworn testified:

Examination by the Commission

Q What is your name? A James Edward White.
Q How old are you? A Fifty years.
Q What is your post office address? A Chickasha.
Q You are a resident of the Chickasaw Nation? A Yes, sir.
Q You are a white man are you? A Yes, sir.
Q And an applicant for enrollment of yourself, your wife Ella and three minor children as citizens of the Choctaw Nation? A Yes, sir.
Q You claim as a citizen by intermarriage? A No, sir; by adoption
Q What do you mean by adoption? A That is what they tell me.
Q Well you are not a citizen by blood? A No, sir; my wife is.
Q What rights you have you get through your marriage to her? A Yes, sir.
Q Claim as a citizen by intermarriage then? A That is not the way I understand it; I understand it by adoption.
Q You mean you have been admitted by the Choctaw council? A Yes, sir.
Q When were you admitted? A '88, October I think it was.
Q Was you admitted with your wife? A Yes; that is the way I understood.
Q That is your present wife Ella? A Yes, sir.
Q Where were you living at the time of your admission? A In Mexico.
Q How long after that did you remove to the Chickasa w Nation? A The next year.
Q eighty-nine? A Yes, sir.
Q Have you since that time maintained a continuous residence in the Chickasaw Nation? A Yes, sir.
Q Never have made your home anywhere else? A No, sir.
Q You was admitted by the Choctaw Council by reason of being the husband of Ella Campbell? A Yes, sir.
Q Have you since that act of admission lived with this woman continuously? A Yes, sir.
Q There has been no separation, desertion or divorce? A No, sir.
Q You and this woman are now living together as man and wife? A Yes, sir.
Q You and your wife are now actual bonafide residents of the Chickasaw Nation? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1902.

G Rosenwinkel

Subscribed and sworn to before me this 30 day of October 1902.

C C Hamm

Notary Public.

THE STATE OF TEXAS,

COUNTY OF MIDLAND.

To any Ordained Minister of the Gospel, Judge of the District Court, Judge of the County Court, or any Justice of the Peace:

You, or either of you, are hereby authorized to solemnize or join in

THE HOLY UNION OF MATRIMONY

Mr. James E. White and Miss Ellen Campbell

in accordance with the laws of this State, and that you make due return of this, your authority, to my office, within sixty days from date hereof, certifying how you have executed the same.

Given under my hand and seal of office, this 3rd **day of** November **A. D. 1885**

A. B. Ramirez
CLERK C. C.

DEPUTY.

RETURN.

This is to Certify, That the above License was executed by me, by joining the above named parties in the HOLY UNION OF MATRIMONY, this 3rd day of November, 1885

E. B. Lancaster, County Judge
Midland County, Texas

Book _____ *Page* _____

2—CERTIFICATE OF TRUE COPY.

Dorsey Printing Co., Stationers, Printers and Blank Book Makers, Dallas, Texas.—12962000—CLASS C

THE STATE OF TEXAS,
County of Midland

I, O. McGonagill Clerk of the County Court of Midland County, Texas, do hereby certify that the foregoing is a true and correct copy of the original Marriage License of Mr James E White to Miss Ellen Campbell now on file in my office.

Given under my hand and the seal of said Court, at Office in Midland this, the 6th day of October A. D. 1891

ATTEST: O. McGonagill Clerk.

By _____ Deputy

W.J.
D.D.

7-5735.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Edward White as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant, James Edward White, claims rights as a citizen by intermarriage of the Choctaw Nation, by virtue of his marriage on November 3, 1885, with Ellen White (nee Campbell), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15144 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 26, 1904.

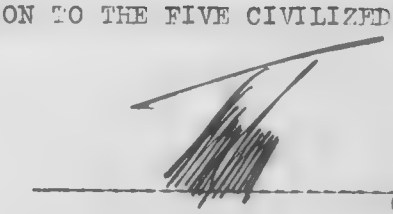
It further appears from the record herein that the applicant, James Edward White (as J. E. White), was admitted to citizenship in the Choctaw Nation as a citizen by intermarriage by an act of the General Council of said nation approved November 5, 1888, a certified copy of said act being filed with and amde a part of the record in this case, and that the applicant and the said Ellen White lived together continuously in the Chickasaw Nation as husband and wife from the date of the said admission of the applicant herein up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, Chickasaw District, number 15200 enrolled thereon as a citizen by intermarriage of said nation.

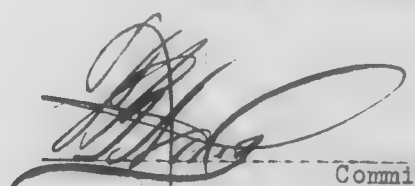
It is, therefore, the opinion of this Commission that James Edward White should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902

(32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

_____

Choctaw 5735

COPY.

Muskogee, Indian Territory, June 21, 1904.

James Edward White,

Fitzhugh, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

Incl. 7-5735.

Choctaw 8735

COPY.

Muskogee, Indian Territory, June 21, 1904.

Melton & Morris,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 21, 1904, rendered its decision granting the application for the enrollment of James Edward White as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision anf have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

Choctaw 5735

COPY.

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 21, 1904, granting the application of James Edward White for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

Incl. 7-5735.

Minco, Indian Ter.

IND. TER.
SOUTHERN DIST.

CERTIFICATE OF BIRTH OF CHILD:

I, P. K. Connaway, being duly sworn on my oath, do hereby state that I was the Physician who attended on Mrs. Ella Campbell White on the Fifth day of Aug. 1897 and that there was born to her on said date a female child, and that said child was named Esther White, and is now living.

P. K. Connaway, M.D.

Sworn to & subscribed before me this the 19 day of Oct, 1898.

W. M. Johnson
not. Public,
Third Judicial Div. I.T.

My Commission expires Sept. 1901.

Muskogee, Indian Territory, June 15, 1901

Melton & Morris,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th inst., in which you desire to be informed if Jim White, W. B. Kirkland and Joe Kirkland, of Chickasha, Indian Territory have been enrolled as citizens of the Choctaw or Chickasaw Nation.

Replying to your letter the Commission has to inform you that it appears from our records that on October 28, 1898 James Edward White, 46 years of age, of Chickasha, Indian Territory, his wife Ellen White and their three children Jamesn Edward, Katie and Esther White applied for enrollment as citizens of the Choctaw Nation James Edward White as a citizen by inter-marriage and his wife and children as citizens by blood.

The Commission at that time were not fully satisfied as to the rights of these claimants to enrollment as citizens of the Choctaw Nation and for that reason their names were placed upon the list of doubtful claimants to citizenship in that nation. No final disposition has been made up to this time of their application but when the same is taken up for consideration a decision will be rendered, a copy of which will be mailed to applicants.

Our records further show that on September 15, 1898 Joseph

Kirkland, 26 years of age and his two children Beulah and Emily Kirkland were listed for enrollment as citizens of the Choctaw Nation in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, December 22, 1897 in court case No.118. Lora Prudar Kirkland the youngest daughter of James Kirkland was on May 24, 1900 listed for enrollment by this Commission as a citizen of the Choctaw Nation upon the presentation of proper affidavits as to her birth.

As to the W. R. Kirkland of whom you inquire our records show that a William Kirkland, 24 years of age together with his three minor children, Monte, Lee and Myrtle Kirkland, were on September 18, 1899 listed for enrollment as citizens of the Choctaw Nation. This family obtained their rights as Choctaw citizens through judgment of the court above referred to.

Yours truly,

7-D.195.

Muskogee, Indian Territory, September 20, 1901.

Mr. J. C. Davis,

Naples, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 31st ultimo, requesting to be advised whether or not Edwin White and family have any rights as members of the Choctaw tribe, and state that his post office address is Chickasha, Indian Territory.

You are informed that the records of this office show that James Edward White, forty-six years of age, an intermarried white person, and Ellen White, his wife, twenty-six years of age, and his minor children, James Edward, Katie and Esther White, were listed for enrollment as doubtful claimants to Choctaw citizenship, October 22, 1898.

Yours truly,

Acting Chairman.

7-D 105

Choc 5736 Joseph Kirkendall

5736

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of

JOSEPH KIRKENDALL. 7-5736.

(Copy)

AN ACT TO ESTABLISH THE CITIZENSHIP OF W.F. FOSTER AND OTHERS.

BE IT ENACTED BY THE GENERAL COUNCIL OF THE CHOCTAW NATION ASSEMBLED: That William F. Foster 31 years of age his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 6 years of age, and Maude Foster aged 3 months, also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age her husband W.A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, and Glenn Paul Aged 7 months, also Mollie Williams nee Foster 22 years of age her husband W.F. Williams 26 years of age, their children Lulu Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lulu Foster aged 5 years orphan daughter of James M. Foster deceased, also Samuel Foster aged 15 years and William F. Foster Jr. aged 11 years orphan children of Samuel B. Foster deceased, also Ephriam Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E.A. Foster 13 years of age, the said Ephriam Foster being the father and grandfather of the Fosters above named— also James M. Campbell 36 years of age, his wife E.F. Campbell 30 years of age, their children J.L. Campbell 14 years of age, G.R. Campbell 12 years of age, T.A. Campbell aged 10 years, Mollie Campbell aged 8 years, Maggie Campbell aged 6 years, S.S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years, also their married daughter Ella White nee Campbell aged 16 years and her husband J.E. White 20 years of age, also Ephriam T. Campbell aged 38 years, his daughter Ella Campbell aged 13 years, and his son William Campbell aged 8 years, also Eliza C. Paddock nee Campbell aged 34 years, her husband Reuben Paddock aged 17 years, James L. Paddock aged 15 years, William M.

Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 5 years, John S. Paddock aged 3 years, also Jane Kaykendall nee Campbell 30 years of age her husband Joseph Kaykendall aged 37 years, their son aged about 6 years (name not now remembered)- the above named Campbells being the children and grandchildren of Ella Campbell nee Foster now deceased who was the sister of Ephriam Foster aforesaid- are hereby admitted to citizenship in the Chester Nation with all the rights Privileges and immunities, and this Act shall take effect and be in force from and after its passage.

A.R. Jones, Chairm. Com. on Citizenship.

Approved Nov. 5th, 1868,

E. F. Smallwood,

P.C.C.N.

CERTIFICATE.

—:—

THIS IS TO CERTIFY, That the above and hereto attached is a full, true and correct copy of the original Act of the Chester General Council, entitled "An Act to establish the citizenship of W.F. Foster and others," now on file in the office of the National Secretary at Tahlequah, I.T. IN TESTIMONY WHEREOF I have hereunto affixed my hand and the Seal of the Chester Nation, done at Tahlequah, the Capital of said Nation, this the 10th. day of October, in the year One Thousand Eight Hundred and Sixty-Eight.

(Signed) Solomon J. Bowey,

National Secretary,

Chester Nation.

(SEAL)

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : ss.
NORTHERN DISTRICT. :

I, Clara Mitchell Wood a Notary Public within and for the Northern District of the Indian Territory hereby certify that the above and foregoing is a full, true and correct copy of a certified copy of the Act of the National Council of the Choctaw Nation admitting William F. Foster et al to citizenship in the Choctaw Nation approved November 5, 1888, including the certificate of the National Secretary of said Nation, thereunto affixed now on file with the Commission to the Five Civilized Tribes in the matter of the application of Ephriam Foster, et al, for enrollment as citizens of the Choctaw Nation Number D-93 of the records of said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 10 day of June 1903.

Clara Mitchell Wood
Notary Public

Department of the Interior
Commission to the Five Civilized Tribes
Chickahsa, I. T. October 15, 1902.

Choctaw 101-D.

In the matter of the application for enrollment as a citizen of the Choctaw Nation By intermarriage of Joseph Kirkendoll.

Joseph Kirkendoll being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Joseph Kirkendoll-K-i-r-k-e-n-d-o-l-l.
Q How old are you? A Fifty-one.
Q What is your post office address? A Chickasha.
Q How long have you lived in Chickasha? A I have lived in the Chickasaw Nation, East of here about ten miles,--I came here in eighty-nine.
Q You came to the Choctaw-Chickasaw country in '89? A Chickasaw.
Q Where did you live before that? A Texas?
Q All of your life? A Yes, sir.
Q You claim to be an intermarried citizen of the Choctaw Nation do you? A Yes, sir; by blood and by adoption.
Q You claim as an intermarried citizen or as a citizen by blood? A I never married her-----I married her in Texas.
Q Do you claim under the act of the Council admitting E. A. Foster abd others to citizenship in the ChoctawNation? A Yes, sir.
Q You were admitted under thatact as the husband of Jane Kirkendoll? Yes, sir.
Q Within a year after this act of admission you and your family moved to the Chickasaw Nation? A Yes, sir.
Q And have lived here ever since? A Yes, sir.
Q There has been no separation, desertion or divorce? A No, sir.
Q You are still living with this same Jane Kirkendoll that you lived with when you were admitted? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribeshe reported in full all the proceedings had in the above entitled cause on October 15, 1902, and that the above and fosegoing is a fu ll, true and correct transcript of his stenographic notes in said cause on saiddate.

G Rosenwinkel

Subscribed and sworn to beforeme this 28 day of October 1902.

C S Hamm

Notary Public.

No. 171—Class 5

Mr. Joe Kuykendall

—AND—

Miss Jane Campbell

Marriage Certificate.

Issued Oct 7th 1898

C. W. Tidwell Clerk.

By J. L. Musgrave Deputy.

MARRIAGE CERTIFICATE.

State of Texas,
County of Bosque

This Instrument Witnesseth: that on the 15th day of April A. D. 1873 there was issued out of the office of the Clerk of the County Court of said County, a License for the Marriage of Mr. Joe Kuykendall and Miss Jane Campbell, and on the 16th day of April A. D. 1873 said parties were legally united in Marriage by a properly authorized person, named in said License and due return thereof made to this office in the manner and form required by law, all of which is duly entered upon the Marriage Records of my office in Vol. C. Page 263

Witness my hand and official seal at my office in Meridian Texas, on this the 7th day of October A. D. 1898

C. W. Sidwell Clerk, County Court Bosque County, Texas.

By J. L. Mangum Deputy

N.F.
Choc
7-5736.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph Kirkendall as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant, Joseph Kirkendall, claims rights as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage on April 16, 1873 with Jane Kirkendall (nee Campbell), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15148 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 26, 1904.

It further appears from the record herein that the applicant, Joseph Kirkendall (as Joseph Kuykendall), was admitted to citizenship in the Choctaw Nation as a citizen by intermarriage by an act of the General Council of said Nation approved November 5, 1888, a certified copy of said act being filed with and made a part of the record in this case; and that the applicant and said Jane Kirkendall lived together continuously as husband and wife in the Chickasaw Nation from the date of said admission of the applicant herein up to and including September 25, 1902.

Upon an examination of the tribal rolls in possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, Chickasaw District, number 14734 enrolled thereon as a citizen by intermarriage of said Nation.

It is, therefore, the opinion of this Commission that Joseph Kirkendall should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

Choctaw 5736

COPY.

Muskogee, Indian Territory, June 21, 1904.

Joseph Kirkendall,

Chickasha, Indian Territory,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7- 5736

Choctaw 5736

COPY.

Muskogee, Indian Territory, June 21, 1904.

M. D. Herbert,

Attorney at Law,

Chickasha, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission, to the Five Civilized Tribes, on June 21, 1904, rendered its decision granting the application of Joseph Kirkendall for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Choctaw 5736

COPY.

Muskogee, Indian Territory, June 21, 1904.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 21, 1904, rendered its decision granting the application of Joseph Kirkendall for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Choctaw 5736

COPY.

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 21, 1904, granting the application of Joseph Kirkendall for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7- 5736.

See Choctaw 708 D for registry receipt for this letter.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as citizens by blood of the Choctaw Nation of-

WILLIE INEZ KIRKENDALL

and ---------- 7-5736

ADA LEE KIRKENDALL

7-5736.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie Inez Kirkendall and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on October 21, 1898, application was made to the Commission for the enrollment of Willie Inez Kirkendall and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation.

It further appears from the census card record in this case, and the records in the possession of the Commission, that the applicants are the offspring of the marriage of Jane Kirkendall, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15148 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat. 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on March 26, 1904, and Joseph Kirkendall, a recognized and enrolled citizen by intermarriage of the Choctaw Nation whose name appears as number 946 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Secretary of the Interior on August 3, 1904; that said Jane Kirkendall (as Jane Kuykendall) and Joseph Kirkendall (as Joseph Kuykendall) were admitted to citizenship in the Choctaw Nation by an act of the General Council of said Nation approved November 5, 1888; and that the names of the applicants, Willie Inez Kirkendall and Ada Lee Kirkendall, are not mentioned in said act of admission, although they were living at the time of its passage, having been born about 1881 and 1883 respectively.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicants, Willie Inez Kirkendall (as Wm. I. Kuykendall) and Ada Lee Kirkendall (as Ada L. Kuykendall) are identified upon the 1893 Choctaw

Leased District Payment Roll, Chickasaw District, page 34, number 332 and 335 respectively, and upon the 1896 Choctaw Census Roll, Chickasaw District, as W. Inez Kirkingdall, number 7668, and Eda Lee Kirkingdall, number 7667 respectively, said applicants being enrolled on said rolls as citizens by blood of said Nation.

It further appears that the applicants were residents in good faith of Indian Territory on June 28, 1898, all applicants listed upon the census cards in 1898 having been first examined as to such fact, although their testimony was not reduced to writing.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M Buckholts et al. (I. T. D. 8490-1903) Willie Inez Kirkendall and Ada Lee Kirkendall should be enrolled as citizens by blood of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat. 495) and July 1, 1902 (32 Stat. 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory.

JAN 10 1905

Choctaw 5736.

COPY.

Muskogee, Indian Territory, January 10, 1905.

Joseph Kirkendall,

Post Office Box # 367,

Chickasha, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 10, 1905, granting the application for the enrollment of Willie Inez Kirkendall and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-5736.

Choctaw 5736

COPY.

Muskogee, Indian Territory, January 10, 1905.

M. D. Herbert,

Attorney at Law,

Chickasha, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 10, 1905, rendered its decision granting the application for the enrollment of Willie Inez Kirkendall and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Choctaw 5736

COPY.

Muskogee, Indian Territory, January 10, 1905.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 10, 1905, rendered its decision granting the application for the enrollment of Willie Inez Kirkendall and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED).

Tams Bixby

Registered. Chairman.

Choctaw 5736

COPY.

Muskogee, Indian Territory, January 10, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 10, 1905, rendered its decision granting the application for the enrollment of Willie Inez Kirkendall and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Choctaw 5736

COPY.

Muskogee, Indian Territory, January 10, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 10, 1905, granting the application for the enrollment of Willie Inez Kirkendall and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-#5236.

See Choctaw 5754 for registry receipt for this letter.

Muskogee, Indian Territory, March 14, 1900.

Mr. M. D. Herbert,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 10, in the matter of the enrollment as a citizen of the Choctaw Nation of Joseph Kirkendall and his family, and you are informed that while Mr. Kirkendall and his family have been listed for enrollment as citizens of the Choctaw Nation, the Commission has not as yet come to a final determination as to their rights in said Nation. Commissioners Bixby and McKennon are in Washington at present and until their return there can be no further action in this case.

Yours truly,

Secretary.

In replying to this letter,
please refer to Choctaw D 101.

Muskogee, Indian Territory, August 24, 1900

Mr. M. D. Herbert,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 14th of July, in the matter of enrollment as a citizen of the Choctaw Nation of Joe Kirkendall and his family, in which you desire some definite information as to whether or not they are enrolled as Choctaw citizens. You state that the case was heard by the Commission at Oak Lodge, and at that time was favorably decided to Mr. Kirkendall and that it was agreed to place his name as well as the names of his family on the roll. You state that the matter at that time was finally disposed of and that you were convinced it was settled and that on the strength thereof Mr. Kirkendall has made improvements at an outlay of considerable expense. You desired to be informed the exact status of this case, as you will, if necessary, place the matter before the Secretary of the Interior.

You are informed that the records of this Commission show that the names of Joseph Kirkendall and his wife, Jane and their children appear upon the records of this Commission as doubtful claimants to citizenship in the Choctaw Nation. There has been a great deal of testimony submitted for the consideration of the Commission in connection with the claim of these parties but the Commission has not as yet been able to determine or pass upon their

rights to enrollment as citizens of the Choctaw Nation and cannot so do until after the First of January next for the reason that it has been agreed by the Commission and the Choctaw and Chickasaw Nations not to take any final action in the matter of these doubtful claimants until after that date. As soon thereafter, however, as possible the Commission will give this matter due consideration and a decision will be rendered, copy of which will be duly forwarded to the applicants.

In the matter of bringing this case before the Secretary of the Interior for his consideration, the Commission is of the opinion that such action would result in no benefit to the applicants for the reason that the rules of the Department as to requiring the Commission to hear each and every applicant for enrollment, require that the complete record of their case shall be transmitted when the final rolls of citizens of the Nation are forwarded to the Honorable Secretary of the Interior for his final approval. It is therefore, the opinion of the Commission that the Secretary of the Interior would not consider any of these people until such final rolls have been submitted to him.

Yours truly,

Acting Chairman.

7-D-101

Muskogee, Indian Territory, September 27, 1900.

M. D. Herbert,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 25th instant in the matter of the enrollment of Joseph Kirkendall, his wife and his minor children as citizens of the Choctaw Nation and also of the other applicants in the Campbell Foster family.

As the Commission has informed you in previous letters, the names of these people still appear upon the list of doubtful claimants to citizenship in the Choctaw Nation and no definite action can be taken in their cases at this time.

The Commission has recently agreed with the Choctaw and Chickasaw Nations that they will take no definite action in these doubtful cases until after the session of the Commission in Atoka next December, the representatives of the Choctaw and Chickasaw Nations having already filed with this Commission, a protest to the enrollment of a number of these doubtful claimants to enrollment.

In the case of Mr. Kirkendall and family, however, there does not appear to have been any objection entered by the Choctaw Nation up to this time.

As soon after the appointment at Atoka as possible, the Commission will consider and act upon the rights of these doubtful claimants and the decision of the Commission stating fully its reason for any action it may take in any case, will be mailed to

M. D. M. 2d.

the applicant as soon as a judgment is rendered.

Yours truly,

Acting Chairman.

In reply please
refer to F 2-101.

Muskogee, Indian Territory, February 5, 1901.

M. D. Herbert,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 30th of January referring to the Commission's letter of the 27th of September, 1900, in the matter of the application of Joseph Kirkendall and his family for enrollment as citizens of the Choctaw nation.

You state in your letter of the 30th of January that the Commission informed you that this case would be taken up in December, 1900 and a decision would be rendered and that the applicants would be notified of such decision but since that date neither you nor any of the interested parties have heard anything further from the Commission in reference to this application.

You now respectfully request that a day be set for the hearing of this case and that you be notified in order that either you or one of your brother attorneys may be present at such hearing.

Replying to your letter the Commission has first to correct a misstatement that you make relative to any action being taken in the matter of the application of Mr. Kirkendall and his family in December, 1900. The Commission wrote you on September 27th of an appointment of the Commission at Atoka for the purpose of hearing additional testimony in doubtful Choctaw and Chickasaw enrollment cases and in concluding stated that " As soon after the appointment at Atoka as possible the Commission will consider and act upon the

M D H S

rights of these doubtful claimants and the decision of the Commission stating fully therein its reason for any action it may take in any case will be mailed to the applicant as soon as a judgment is rendered."

Up to this time the Commission has not been able to consider the merits of this case or render any decision and it is possible that it may yet be some months before any final action can be taken in these doubtful cases.

If you on behalf of Mr. Kirkendall desire to offer any additional testimony in support of the application for the enrollment of this family, such testimony will be heard by the Commission at its office in Muskogee after service of notice of the taking of such testimony upon the attorneys for the Choctaw nation, Messrs. Mansfield, McMurray & Cornish, at South McAlester, Indian Territory.

If it is Mr. Kirkendall's intention to offer any additional testimony in support of this application, the Commission would suggest that you correspond with Messrs Mansfield, McMurray & Cornish at South McAlester and arrange with them a date for such appearance before the Commission at its office in Muskogee.

The time granted the Choctaw and Chickasaw Nations for filing briefs in these protested cases has been extended to April 1st, 1901, and to the time granted to applicants whose rights have been so contested in which to file reply briefs, has been extended to May 15th, 1901.

Yours truly,

7-D-101

Acting Chairman.

Choctaw D 101

Muskogee, Indian Territory, September 24,1902.

Joe Kirkendall,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 17, in which you desire to be informed as to the appraised value of your land, the pro rata share of yourself, your wife and your children, in order that you may run your fences and make your improvements accordingly.

In reply to your letter your attention is invited to the following provision of the agreement recently entered into between the United States and the Choctaw and Chickasaw Nations, as ratified by an act of Congress approved July 1, 1902:

"There shall be allotted to each member of the Choctaw and Chickasaw tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to three hundred and twenty acres of the average allottable land of the Choctaw and Chickasaw nations, and to each Choctaw and Chickasaw freedman, as soon as practicable after the approval by the Secretary of the Interior of his enrollment, land equal in value to forty acres of the average allottable land of the Choctaw and Chickasaw nations; to conform, as nearly as may be, to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements."

This agreement is not effective at this time, being subject to ratification by the citizens of the Choctaw and Chickasaw Nations

J.K. 2

at a special election to be held September 25, 1902.

You are further advised that it appears from our records that you and your wife and children are upon the list of doubtful claimants to enrollment in the Choctaw Nation, whose rights have not yet been determined by the Commission. No decision nor opinion has yet been reached relative to the rights of yourself and family to enrollment in the Choctaw Nation. As soon as such a decision is reached you will be notified of the action of the Commission, and of the forwarding of the record in your case to the Secretary of the Interior.

Respectfully,

Acting Chairman.

Cherokee 1102
Cherokee 1107
Cherokee 5736

Muskogee, Indian Territory, April 30, 1904.

Joe Kirkindall,

Box 367, Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter without date asking to be informed when the names of Willie Inez and Ada Lee Kirkindall and Mary Ella Jones and Rhoda M. Edgar and their families are approved.

In reply to your letter you are informed if you will communicate with the Commission again in about sixty or ninety days you will be advised as to whether or not the names of the persons above referred to have been enrolled and approved.

Respectfully,

Chairman.

Cheetaw 5736
D 102, D 106, D 107
Chickasaw 1319

Muskogee, Indian Territory, May 7, 1904.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of April 30, stating that Mr. Joe Kurkendoll, one of the parties in the Campbell-Foster cases, went to the Chickasaw Land Office for the purpose of filing for his family and on arriving there his wife and two children were permitted to file, while his other children Rodah M. Edgar, Mary Ellen Jones, and Willie Ines and Ada Lee Kurkendoll were not permitted to file for the reason that the land office officials said they had not been approved. You further state that it has been your understanding that the entire Kurkendoll family with the exception of Joe Kurkendoll, intermarried, had been approved, and you are of the opinion that there is some mistake in sending the records to the land office. You therefore ask information on this subject.

You also inquire the status of P. K. Conneway and Robert V. Rayel, applicants for intermarried citizenship, and whether or their names have been sent to the Secretary of the Interior.

In reply to your letter you are advised that it appearing from our records that Rhoda M. Edgar, Mary Ella Jones, Willie Ines Kirkendall and Ada Lee Kirkendall, children of Joseph and Jane Kirk-

endall, were not named in the act of Council of November 5, 1888, admitting their parents, and it appearing that they were born prior to the date of that act, their names have not been placed upon the schedules of citizens by blood of the Choctaw Nation, prepared for forwarding to the Secretary of the Interior.

The Commission has not yet passed upon the applications of Philip K. Connoway and Robert W. Rayel for enrollment as intermarried citizens of the Chickasaw and Choctaw Nation respectively. As soon as decisions are reached in these cases the applicants will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choctaw 5736
Choctaw D-102
Choctaw D-107

Muskogee, Indian Territory, May 11, 1904.

Joe Kirkindoll,

Chickasha, Indian Territory.

Dear Sir:

Receipt is heroby acknowledged of your letter of May 6, in which you state that the members of the Foster Campbell family have been approved by the order of the Attorney-General, but that Willie Ines and Ada Lee Kirkindoll and Mary Ellen Jones and Rhoda M. Edgar desire to know whether their enrollment was not approved along with the other persons included in the Campbell Foster case.

In reply to your letter you are informed that Jane Kirkendall and her children, Sarah Amanda and William Edward Kirkendall, have been enrolled by this Commission as citizens by blood of the Choctaw Nation, which enrollment was approved by the Secretary of the Interior March 26, 1904.

You are further advised that it appears from our records that Rhoda M. Edgar, Mary Ella Jones, Willie Ines Kirkendall and Ada Lee Kirkendall, children of Joseph and Jane Kirkendall, were not named in the act of Council of November 5, 1888, admitting their parents; and it appearing that they were born prior to the date of that act, their names have not been placed upon schedules

J. M., S.

of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Chairman.

Cheetaw 5736
Cheetaw D 102
Cheetaw D 107

Muskogee, Indian Territory, May 12, 1904.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 7, relative to the enrollment of Willie Inez Kurkendoll, Lee Kurkendoll Mary Ellen Jones and Rodah M. Edgar, children of Joe Kurkendoll, in which you state that some time ago you wrote inquiring with reference to the same matter and you request information at an early date.

In reply to your letter you are advised that on May 7, 1904, you were fully advised relative to the enrollment of the persons above named, in response to your communication of April 30,1904.

Respectfully,

Chairman.

Choctaw 5736.
B-108.
D-107.

Muskogee, Indian Territory, May 19, 1904.

Bond and Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 17, in which you state that you were not informed that the names of Rhoda M. Edgar, Mary Ellen Jones, Willie Inez Kurkendoll and Ada Lee Kurkendoll, children of Joseph and Jane Kurkendoll, were not mentioned in the Act of Council of November 5, 1888, admitting their parents to citizenship in the Choctaw Nation. You state that these children are, however, all Indians by blood and entitled to a share of the property of the Choctaw and Chickasaw Tribes, and that you stand ready at any time to furnish proof that they are the children of Joseph and Jane Kurkendoll, and that they are citizens of the Choctaw Nation, if such testimony is necessary.

In reply to your letter, you are informed that no further action on the part of the applicants is necessary at this time in the matter of the application of Mary Ella Jones, Rhoda M. Edgar, Willie Inez and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation. Their names not appearing in the Act of Council admitting their parents, however, they were not placed upon the schedule of citizens by blood of the Choctaw Nation prepared and forwarded

R. B. & M.

to the Secretary of the Interior at the time the names of the other members of their families were placed thereon.

Respectfully,

Commissioner in Charge.

Choctaw 5738.
Choctaw D-108.
Choctaw D-107.

Muskogee, Indian Territory, June 30, 1904.

Joe Kirkindoll,

Box 367,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 24, in which you ask if Mary Ellen Jones, Rhoda M. Edgar, and Willie Inez and Ada Lee Kirkindoll have been approved by the Secretary.

In reply to your letter, you are informed that the names of Rhoda M. Edgar and her children, Mary Ella Jones and her children, and Willie Inez and Ada Lee Kirkindoll have not yet been place upon the schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw 3736

Muskogee, Indian Territory, July 12, 1904.

Joe Kirkindoll,

Box 367, Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 4, asking why the names of your children, Mary Ellen Jones, Rhoda M. Edgar and Willie Inez and Ada Lee Kirkindoll do not appear upon the approved rolls.

In reply to your letter you are informed that on May 11, 1904, you were advised that it appearing from our records that the children named above were living at the time of the passage of the act of Council admitting you and your wife, Jane Kirkendall as citizens of the Choctaw Nation, and their names not being included therein, the names of these persons had not yet been placed upon the schedules of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

No further information can be given you in this matter at this time but you are advised that in the event further evidence is necessary to determine the rights of these applicants you will be notified.

Respectfully,

Chairman.

Choctaw D108;107
Choctaw 5756

Muskogee, Indian Territory, July 30, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 23, asking, if anything further is necessary in the matter of the enrollment of the children of Joe Kirkendall, namely, Rhoda M. Edgar, Mary Ellen Jones, Ada Lee Stack and Willie Ines Kirkendall, that you be notified.

In reply to your letter you are advised that if further action is necessary in the matter of the application for the enrollment of the above named persons as citizens by blood of the Choctaw Nation you will be duly notified.

You are further advised that the name of Joseph Kirkendall has been placed upon a schedule of intermarried citizens of the Choctaw Nation which has been forwarded the Secretary of the Interior but the Commission has not yet been notified of Departmental action thereon.

Respectfully,

Commissioner in Charge.

7-5736

Muskogee, Indian Territory, October 15, 1904.

Joe Kirkendall,

Chickasha, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 5th instant, requesting to be advised relative to the enrollment of yourself and of Mary Ellen Jones, Rhoda M. Edgar, Willie Inez, and Ada Lee Kirkendall.

You are advised that the Commission has on this day rendered its decision granting the applications for enrollment of Mary Ellen Jones and family, Rhoda M. Edgar and family and Willie Inez and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation.

You are further advised that the enrollment of Joseph Kirkendall as an intermarried citizen of the Choctaw Nation was approved by the Secretary of the Interior August 3, 1904.

Respectfully,

Commissioner in Charge.

ChMotaw 5736

Muskogee, Indian Territory, October 21, 1904.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 18, asking, on behalf of Mr. Kurkendoll, that the applications for the enrollment of his two children which have not yet been adjudicated be passed upon.

In reply to your letter you are advised that the Commission is taking up applications for enrollment in the Choctaw and Chickasaw Nations as rapidly as practicable, and when action is taken in the matter of the enrollment of Willie Inez and Ada Lee Kirkendall they will be duly notified.

Respectfully,

Chairman.

Chectaw 5736

Muskogee, Indian Territory, November 30, 1904.

Joe Kirkendall,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 24, asking if your children have been approved so that you can make one trip to the land office for the purpose of selecting allotments for yourself and your children.

In reply to your letter you are advised that the Commission is now considering the applications for enrollment of Willie Inez and Ada Lee Kirkendall, and as soon as decisions are reached you will be notified of the action taken. Selections of allotment for the children herein referred to can not be made at this time.

Respectfully,

Commissioner in Charge.

Choctaw 5736

Muskogee, Indian Territory, December 30, 1904.

Joe Kirkindoll,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 22, addressed to the United States Indian Agent, which has been by him referred to the Commission to the Five Civilized Tribes for consideration and appropriate action. Therein you ask if your children, Willie Ines and Ada Lee Kirkindoll have been approved by the Secretary in order that they may draw their money.

In reply to your letter you are advised that the Commission is now considering the application for the enrollment of Willie Ines and Ada Lee Kirkendall as citizens by blood of the Choctaw nation, and when a decision is reached in this case they will be notified of the action taken.

The payment of moneys due the citizens of the Choctaw and Chickasaw nations is a matter which comes within the jurisdiction of the United States Indian Agent and it is impracticable to give you any information relative thereto.

Respectfully,

Chairman.

7-5736

Muskogee, Indian Territory, January 17, 1906.

Joe Kirkendall,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 4, 1906, asking an early decision in the matter of the enrollment of your children Willie Ines and Ada Lee Kirkendall.

In reply to your letter you are informed that on January 10, 1906, the Commission rendered its decision granting the application for the enrollment of Willie Ines and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from that date within which to protest to the action of the Commission and if at the expiration of that time no protest has been filed their names will be placed upon a schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Chairman.

Choc 5737 Rebecca Buckholts

Transferred from Choc #D357

See Testimony in Choc #5738

5737

GDR

7-D-357

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James M. Buckholts, Rebecca Buckholts and Allie Dwight, as citizens by blood of the Choctaw Nation.

D E C I S I O N

It appears from the census card and other records in this case that James M. Buckholts appeared before the Commission at Caddo, Indian Territory, on August 24, 1899, and made personal application for the enrollment of himself and his two children, Rebecca and Allie Buckholts, as citizens by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Atoka, Indian Territory, on December 4 and December 7, 1900, and at Muskogee, Indian Territory, on April 9, 1902. On November 4, 1902, evidence of the marriage of Allie Buckholts and Joseph Edward Dwight, a recognized and enrolled citizen by blood of the Choctaw Nation, was filed with the records of the Commission, from which it appears that said parties were married on November 28, 1900.

It further appears from the record in this case that the principal applicant, James M. Buckholts, is the son of William Buckholts, a citizen by blood of the Choctaw Nation, who was admitted as such by a judgment of the Supreme Court of the Choctaw Nation, rendered in October, 1872, (certified copy attached), and Matilda Buckholts (deceased), a non-citizen; and that applicants, Rebecca Buckholts and Allie Dwight, are the issue of the marriage of the said James M. Buckholts and Jennetta Buckholts (nee Perryman), a non-citizen white woman.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the names of James M. Buckholts (as James Buckholts), Rebecca Buckholts (as Rebacca Buckholts) and Allie Dwight (as Alice Buckholts), are identified on the 1893 Choctaw Leased District Pay Roll, Blue County, page 13, Nos. 139, 140 and 141, respectively, enrolled as citizens by blood of the Choctaw Nation. The names of James M. Buckholts (as J. M. Buckholts), Rebecca Buckholts and Allie Dwight (as Allie Buckholts), are also identified on the 1896 Choctaw census roll, Nos. 1536, 1537 and 1538, respectively, enrolled as citizens by blood of said nation.

It further appears from said census card records of the Commission that all of the applicants herein were residents in good faith of Indian Territory on June 28, 1898, all applicants listed for enrollment on census cards in 1899 having been first examined as to such fact, although their testimony was not reduced to writing.

The evidence in this case further shows that the Choctaw Nation, through its attorneys, has protested against the enrollment of the applicants herein on the ground that the name of the principal applicant, James M. Buckholts, was not included in the judgment of the Choctaw Supreme Court admitting his father, William Buckholts, to citizenship in said nation, although the said James M. Buckholts was living at that time; that therefore the applicants herein can acquire no rights to Choctaw citizenship by virtue of the admission of the said William Buckholts, and that none of said applicants has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

The Act of the General Council of the Choctaw Nation, under the terms of which the applicants herein claim their right to enrollment as citizens by blood of the Choctaw Nation, was approved on March 20, 1872, and is entitled:

"An Act directing and authorizing the supreme judges of the Choctaw Nation to take evidence during the term of the Supreme Court of all persons who may claim to be Choctaw or Chickasaw descent, and fixing their pay."

In section one of said act the Supreme Judges of the Choctaw Nation are directed:

".....to take evidences in all cases of any person or persons claiming to the Choctaw or Chickasaw descents, who may have settled or may hereafter settle in this Nation, claiming the rights and privileges of citizenship, said person or persons shall be required to prove his, her or their blood and descent by two or more disinterested witnesses; and all the evidences taken and the opinion and the decision of the Judges shall be entered upon the minutes of the Courts; .....and the said opinion and decision of the Supreme Judges of any person or persons to be the bonefide citizens of this Nation shall be final and filed away in the office of the clerk of the Supreme Court."

The applicants herein contend that their ancestor, William Buckholts, applied under this act to the Supreme Judges of the Choctaw Nation to have his citizenship rights determined; that the said William Buckholts attempted to include the names of his descendants in his application, but was informed by the Chief Justice that this was unnecessary, and that his (William Buckholts'), recognition as a Choctaw by blood carried with it the recognition of his children; that for this reason and following the general custom in such cases at that time, the names of his descendants were not included in said application.

The contention of the applicants is supported by the deposition of Judge Joel Everidge, one of the Supreme Judges of the Choctaw Nation at the time of the admission of the said William Buckholts; by the testimony of James S. Standley, Joseph R. Plummer, Alinton Telle, Judge Simon E. Lewis and William Buckholts, all representative citizens of the Choctaw Nation; and by the tribal recognition given the descendants of the said William Buckholts on all the rolls of citizens of the Choctaw Nation pre-

pared since the date of said act of admission.

It is the opinion of this Commission that the contention of the applicants herein has been established, and that, therefore James M. Buckholts, Rebecca Buckholts and Allie Dwight should be enrolled as citizens by blood of the Choctaw Nation under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495); and it is so ordered.

COMMSSION TO THE FIVE CIVILZED TRIBES.

Tams Bixby,
Chairman.

T. B. Needles,
Commissioner.

C. R. Breckinridge,
Commissioner.

W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,
Jul 20, 1903.

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W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,
Jul 20, 1903.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF JAMES M. BUCKHOLTS ET AL

TO BE ENROLLED AS MEMBERS OF THE CHOCTAW NATION:

The deposition of Joel Everidge taken at the residence of Joel Everidge about nine miles east of the town of Grant, in the Central District of the Indian Territory, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon on the 8th day of January A.D.1901, to be used as evidence in behalf of the above named applicants and all the descendants of William Buckholts, John Null and R.T.Jones and in behalf of all persons having married any of such descendants, pending before the Commission to the Five Civilized Tribes.

Joel Everidge after being duly sworn deposes and says: I am 72 years old, a citizen of the Choctaw Nation by blood and a resident of Kiamitia County, Choctaw Nation. I am one of the Supreme Judges of the Choctaw Nation. I was first elected to the office in the year 1868 and have served in that capacity every years since that year with the exception of four years during which time Judge J.R.Turnbull served. I was on the bench when the application for citizenship in this nation was presented by William Buckholts, R.T.Jones and John Null. The Court took up the case and examined the witnesses thoroughly. The witnesses were all Choctaws by blood and perfectly reliable. The Court being satisfied that Wm.Buckholts was a Choctaw by blood and that R.T.Jones was entitled to inter-married rights by virtue of his marriage to the daughter of Wm.Buckholts and that John Null was entitled to inter-married rights by virtue of his marriage with a sister of the said William Buckholts, rendered a decision in their favor naming only the heads of families. This was the first case of this kind ever passed on by the Court. At that time it was not considered necessary that the Children should be named. I remember that William Buckholts asked if it was necessary to name the children and the Chief Justice I.L.Garvin informed him that if the parents were Choctaws the children certainly were Choctaws. This case was decided under authority conferred on the Court by an Act of the General Council passed in 1872. Previous to this act there was no law of the Choctaw Nation requiring persons to prove up their citizenship. Citizenship at that day and time was not considered as being of the value that was placed on it in after years and at the present time. Even to this day there is no law specifically requiring the children to be named but the practice of late years by the Citizenship Committees of Council has been to have them named, owing to the great number of applicants, for its information.

JOEL EVERIDGE.

United States of American,
Indian Territory.

I, William Beadles, a Notary Public within and for the Central District of the Indian Territory, do hereby certify that the foregoing deposition of Joel Everidge, was taken before me and was read to and subscribed by him in my presence, at the time and place and in the action mentioned in the caption. The said Joel Everidge having been first sworn by me, that the evidence he should give in the matter should be the truth, the whole truth and nothing but the truth: I further certify that his statements were reduced to writing in his presence, the applicants not being present in person and being represented by A. Tolle one of their attorneys and the Choctaw and Chickasaw Nations not being represented by their attorneys although properly served with a notice as evidenced by the return hereto attached.

Given under my hand and official seal at the above named place within the Central District of the Indian Territory this the 8th day of January A.D.1901.

(SEAL)

WM. BEADLES
Notary Public.

NOTICE FOR TAKING DEPOSITIONS IN FIVE CIVILIZED TRIBES.

In the matter of the application of
James M.Reynolds et al to be enrolled as members of the Choctaw Nation.

Notice to take Depositions.

To Mansfield, McMurry and Cornish, attorneys for the Choctaw and Chickasaw Nations:

You are hereby notified that the applicants, James M.Reynolds, et al, will take the deposition of Judge Joel Everidge at the residence of the said Judge Joel Everidge about eight miles nearly south of Ada in the Central District of the Indian Territory, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon on the eighth day of January, A.D.1897, the said deposition then and there to be used before the Commission to the Five Civilized Tribes by the said applicants in their application to be enrolled as members of the Choctaw Nation and to be used in behalf of all of the descendants of William Reynolds, R.T.Jones and John Hall, and in behalf of applicants claiming to be enrolled as intermarried citizens who have married any of said descendants. And if the taking of said deposition be not completed on the said day, the taking thereof will be continued from day to day at the same place and between the same hours until completed.

J.S.Riggs,
WELLS & CUMMINGS
Attorneys for Applicants.

United States of America,
Indian Territory, ss
Central District.

I, Jasper F. Grady United States Marshal for the Central District of the Indian Territory do hereby certify that I received the above and foregoing notice at the hour of 1.30 o'clock P.M. on the 24th day of December, 1896; and that I served the same at the hour of 4.30 o'clock P.M. on the hour of Both Indictor in said district and territory, by delivering a true copy thereof to Melvin Cornish, a member of the law firm of Mansfield, McMurry & Cornish.

Witness my hand this 24th day of December, 1896.

J. F. GRADY,
U.S.Marshal of Chickasaw Nation
By Deputy.

Fee for serving 20 cts.
Paid by J.S.Riggs,
J.F.Grady
U.S.Marshal.

United States of American,
Indian Territory,
Central District.

I, WM. KEARNEY, a Notary Public within and for the Central District of the Indian Territory, with office at Grant, I.T., do hereby certify that the above and foregoing is a true and correct copy of the deposition of Jack Everidge taken before me on the 8th day of January, A.D.1901, and that the copy of the notice thereto attached is a true and correct copy of the original notice attched to said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal as such Notary Public aforesaid, at Grant, in said district and Territory this 9th Day of February, A D.1901.

Wm Kearney

Notary Public Aforesaid.

Co Choctaw D 387

Muskogee, Indian Territory, November 6, 1903.

Rebecca Buckholts Berry,

Purcell, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 2, in which you state that some time ago your father, J. M. Buckholts received notice that his application for the enrollment of himself and his family as citizens by blood of the Choctaw Nation had been granted, and you request to be informed if your enrollment has now been approved by the Secretary of the Interior.

In reply to your letter you are informed that protest having been filed by the attorneys for the Choctaw and Chickasaw Nations to the action of the Commission in enrolling your father, James M. Buckholts, and his children, Rebecca Buckholts and Allie Dwight, as citizens by blood of the Choctaw Nation, on August 22, 1903, the record in this case, together with such protest, was forwarded the Secretary of the Interior. The Commission has not yet been advised of departmental action in this case.

Respectfully,

Chairman.

7-8737

Muskogee, Indian Territory, March 3, 1904.

Rebecca Buckholts Berry,

Purcell, Indian Territory.

Dear Madam:

It appears from your letter addressed to this Commission under date of November 2, 1903, that you are now the wife of one, Berry, and you are requested to state the date of your marriage, which information should be forwarded to this office immediately.

Respectfully,

Commissioner in Charge.

Choc 5738 James M Buckholts

Trans from Choc #D357

#2 Trans to Dic Jacket Jan 12, 1906
from Choc D 724

5738

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T., December 4, 1900.

In the matter of the application of James M. Buckholt et al., for enrollment as Choctaw citizens.
Choctaw Card D. 330.

———o———

James S. Standley, being duly sworn and examined, testified as follows:

Mr. A. Telle, Attorney for the applicants: Capt. Standley, I will ask you if you are a Choctaw Indian by blood?
A Yes sir.
Q What is your age? A 59 years of age.
Q Your residence? A Choctaw Nation, I claim Atoka as my headquarters, my home, I have no domocile in the town but I am at home here.
Q I will ask you how long have you been in the Choctaw Nation?
A I came here in 1875.
Q I will ask you whether or not you are acquainted with the laws and customs and usages of the Choctaw people with reference to citizenship? A Yes sir, I think I am.
Q Did you ever occupy any position at the Choctaw Council where they have passed on these questions of citizenship?
A Yes.
Q I will ask you if you have ever acted in the capacity of draftsman for the Council? A Yes sir.
Q Where citizenship cases were passed upon? A Yes, many a time.
Q I believe you stets that you are well acquainted with the laws of the Choctaw Nation?, A Yes sir.
Q I will ask you if you know of any law of the Choctaw Nation previous to the Act of 1888 wherein it was required that the names of the applicants should be presented to the council, all of the names, other than the heads of the families?
A No, I do not.
Q Then as I understand, it has been the custom of the Council to admit people by simply admitting the heads of families?
A Yes, I will say that is my understanding, some have been.
Q Admitted the heads of families and the others all came in?
A That has been the custom.
Q I will ask you if you know William Buckholt? A Yes.
Q And R. T. James? A Yes.
Q I will ask you whether or not you know John Null, the old John Null?? A I knew him simply as a matter of record, and a matter of common knowledge in the country.
Q I will ask you if you know of any statute authorizing the Supreme Court to pass on cases in the Choctaw Nation; and law of the Choctaw Nation authorizing the Supreme Court to pass on citizenship cases? A The Supreme Court of the Choctaw Nation, there used to be an old law years ago, that was the law when I came here.
Q You were not present when the Supreme Court passed on the case of William Buckholt and others? A No.
Q I will ask you if yougwere attorney in the case of one J. R. Plumer when he was admitted to citizenship by the Citizenship Commission of the Choctaw Council? A Yes.
Q I will ask you if there was any expression of the Committee as to what there intention was at the time that he was admitted to citizenship? A There was no question raised by the Commission that I know of with reference to the necessity of having this entire family incorporated in the bill.

Q Did the applicant himself ask the question? A Yes, the question was raised by him.
Q And what was the answer of the Commission to his question as to whether he ought to name the children or not? A It has been a good long time ago, and my recollection is it wasn't necessary.
Q That the admission of the parents carried with it the rights to the children? A Yes.
Q Then as far as your experience goes and observation with reference to the Choctaw affairs, it has been the custom of the Choctaw Nation where the parents were admitted to citizenship, that the children took their status without naming them? A Let me answer that in my own way, and I will state my experience to you. I was attorney for Plumer, I was the attorney for Stewart, I was the attorney for Marsh, and I can't call to my mind another case now, and in all of those cases, if it had been my understanding that it didn't carry all of them with the head of the family, it would have been an easy matter you understand for me to insert the name. The fact that we didn't do so, and I was the attorney in the case is sufficient for the Commission to understand what my understanding of the law was and what the custom was at the time as I understood it.
Q I will ask you whether or not the Choctaws have recognized the children of William Buckholt, R. T. James and John Null, as far as exercising the rights of citizenship goes, since that time? A As to Buckholt and James I know more about in a general way than I do about the Null family. I will say that as far as my information goes, they have always been recognized, I have never heard anything to the contrary.
Q I will ask you if it is not true with reference to other cases where they were admitted by act of the Council and the children not named? A I think so, yes; Palmer's children went ahead here and were admitted by the laws, and that other case and the Marshalls.
Mr. Cornish: You spoke of two or three cases, the Marsh and Plumer case and what other case? A Mrs. Nancy Stewart .
Q Were those cases where the heads of family only were named in the act of admission? A In the Nancy Stewart case, that was different from the others.
Q I am enquiring if you did represent certain cases wherein only certain heads of families were named in the act? A Yes.
Q What other case in addition to the Buckholt? A The Marshall case and the Plumer case; the Stewart case went beyond the Council.
Q There are two cases wherein only the heads of families were named? A Yes.
Q And there are descendants of these persons claiming and asserting rights in the Choctaw Nation? A That is my understanding, I know some of Plumer's children are here, and some not here, and Marshalls, Marshall has a mixed blood.
Q Is it not a fact then that the Plumers after they were admitted by naming the head of the family, that by subsequent act of the Council the members of the family were named in that? A I don't really know that.
Q That is your understanding is it? A Yes.
Q So that leaves only the Marshall case? A Yes, but mind you, I don't remember about that subsequent act of the Plumers.
Q Isn't that your understanding that it was done? A No, I don't remember it; it might have been done, I won't say it wasn't done, and I might have been called upon to testify in reference to the other.
Q Is it Henry Marshall that you speak of?, A Yes, Henry Marshall.

Q Captain Standley, how many acts of the Choctaw Council do you think have been passed since they commenced to admit persons many years ago, about how many cases? A I can't hardly tell.
Q There have been at least 100? A Yes .
Q Perhaps 200? A Yes, I don't know how many.
Q Something perhaps 100 and 200? A That would be a good guess.
Q Isn't it a fact that so far as your information goes that only in these three cases were only the heads of families mentioned? A I can't say, because many of those cases I had nothing to do with.
Q Do you know of any other cases wherein persons claim through acts of the Council wherein only the heads of families were named? A Of my own knowledge, no, I do not; I havn't been attorney for many cases.
Q I supposed you might be familiar with the various acts from going through the old books? A I would not know from drafting an act who was in and who wasn't in.
Q Is it not a fact that the proportion would be fifty to one or perhaps 100 to one as regards cases wherein only the heads of families were named and the cases wherein all persons claiming admission would be? A It might be, my knowledge of it isn't sufficient to justify me in answering that question; these cases that I single out I know of personally; the other cases wherein I was simply serving as draftsman of the Council, there might have been only the heads and there might have been all the family.
Q Since Mr. Telle wanted to get your opinion and general information as to the custom, I thought I might go further and get the benefit of your general knowledge of Choctaw affairs as well. A Very well, and tiy will see from my action at the time of the admission of these parties that it was my general understanding and the understanding of my associate, Colonel Nelson, and he was a much older man than I am and had lived here all his life and was more familiar with the laws than I was, and that was his understanding and he guided me largely.
Q This custom, would that warrant the recognition by the Choctaws of the brothers of a person admitted and the sisters, was that your knowledge of the customs? A I wouldn't say that, I don't know that there has been any custom on that subject.
Q Do you know of any brothers and sisters of persons admitted by acts who have without any specification by the Council been recognised as Choctaw Citizens? A Yes.
Q You know of cases where one person was admitted and the brother of that person, never having been admitted, has been by the Choctaws recognised, but never was admitted by any act of Council , and carried on the rolls? A Yes.
Q What case? A I don't know of but one, and that is my own brother.
Q You don't know of any other case? A I can't call to mind any other case, but if I was to talk around among the people and get my memory refreshed I might think of some.
Q Is your brother living? A No sir.
Q So far as you know, this custom would not extend to Collateral relatives, brothers and sisters? A No, I can't say as to what the custom has been about that, I have had no other experience; there has been no way of obtaining information on that line.
Q The only acts of the Choctaw Council then of which you have a personal knowledge, wherein only heads of families were admitted and in which the relatives sought to be recognised as Choctaw Citizens were those three cases that you spoke of, the Buckholt case, the Marshall case and the Plumer case? A Yes sir, and the Stewart case .

Attorney J. S. Ralls, for applicant: In the Stewart case before the Council, the petition only mentioned the name of Mrs. Stewart, did it? A Yes.
Q That case, it went to the Indian Agent under a special act of the Choctaw Council and there the agent inserted the names of the descendants? A Yes.
Q And required them to be inserted there? A Yes.
Q And they were admitted there by the Indian Agent, that was approved by the Secretary of the Interior was it? A Yes.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this 6th day of December, 1900.

John G. Leiber,
Notary Public.

COPY.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF JAMES M. BUCKHOLTS ET AL TO BE ENROLLED AS MEMBERS OF THE CHOCTAW NATION:

The deposition of Joel Everidge taken at the residence of Joel Everidge about nine miles east of the town of Grant, in the Central District of the Indian Territory, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon on the 8th day of January, A. D. 1901, to be used as evidence in behalf of the above named applicants and all the descendants of William Buckholts, John Null and R . T. Jones, and in behalf of all parties having married any of such descendants, pending before the Commission to the Five Civilized Tribes.

Joel Everidge after being duly sworn deposes and says: I am 72 years old, a citizen of the Choctaw Nation by blood and a resident of Kiamitia County, Choctaw Nation. I am one of the Supreme Judges of the Choctaw Nation. I was first elected to the office in the year 1868 and have served in that capacity every year since that year with the exception of four years during which time Judge J. R. Turnbull served. I was on the bench when the application for citizenship in the Nation was presented by William Buckholts, R. T. Jones and John Null. the court took up the case and examined the witnesses thoroughly. The witnesses were all Choctaws by blood and perfectly reliable. The court being satisfied that Mr. Buckholts was a Choctaw by blood and that R. T. Jones was entitled to intermarried rights by virtue of his marriage to the daughter of Wm. Buckholts and that John Null was entitled to intermarried rights by virtue of his marriage to a sister of the said William Buckholts, rendered a decision in their favor naming only the heads of families. This was the first case of this kind ever passed on by the court. At that time it was not considered necessary that the children should be named. I remember that William Buckholts asked if it was necessary to name the children and the chief Justice I. L. Garvin, informed him that if the parents were Choctaws the children certainly were Choctaws. This case was decided under authority conferred on the court by an Act of the General Council passed in 1872. Previous to that Act there was no law of the Choctaw Nation requiring persons to prove up their citizenship. Citizenship at that day and time was not considered as being of the value that was placed on it inafter years and at the present time. Even to this day there is no law specifically requiring the children to be named but the practice of late years by the Citizenship Committee of Council has been to have them named. Owing to the great number of applicants, for its information.

JOEL EVERIDGE.

United States of America,
Indian Territory.

I, William Beadles, a notary public within and for the Central District of the Indian Territory, do hereby certify that the foregoing deposition of Joel Everidge was taken before me and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption. The said Joel Everidge having been first sworn by me, that the evidence he should give in the matter should be the truth, the whole truth and nothing but the truth: I further certify that his statements were first reduced to writing in his presence, the applicants not being present in person and being represented by A. Tells, one of their attorneys and the Choctaw and Chickasaw Nations not being represented by their attorney although properly served with a notice as evidence by the return hereto attached.

Given under my hand and official seal at the above named place within the Central District of the Indian Territory this the 8th day of January, A. D., 1901.

Wm. BRADLES,

Notary Public.

(SEAL)

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of
James M. Buckholts et al., to be enrolled
as a member of the Choctaw Nation. Notice to take deposition.

To Mansfield, McMurray & Cornish, Attorneys for the
Choctaw and Chickasaw Nations:

You are hereby notified that the applicants James M. Buckholts et al, will take the deposition of Judge Joel Everidge, about eight miles nearly east of Grant in the Central District of the Indian Territory, between the hours of nine o'clock in the forenoon and six oclock in the afternoon on the eighth day of January, A. D. 1901, the said deposition when taken to be used before the Commission to the Five Civilized Tribes by the said ap plicants in their applications to be enrolled as members of the Choctaw Nation and to be used in behalf of all of the descendants of William Buckholts, R. T. Jones and John Null, and in behalf of all persons claiming to be

enrolled as intermarried citizens who have married any of said descendants. And if the taking of said deposition be not completed on said day, the taking thereof will be continued from day to day at the same place and between the same hours until completed.

J. G. RALLS
TELLE & CHAMBERS,
Attorneys for applicants.

United States of America,
Indian Territory SS.
Central District.

I, Jasper P. Grady, United States Marshall for the Central District of th Indian Territory do hereby certify that I received the above and foregoing notice at the hour of 8.30 o'clock A. M. on the 24th day of December, 1900, and that I served the same at the hour of 4.20 o'clock P. M. in the town of South McAlester in said district and Territory, by delivering a true copy thereof to Melvin Cornish, a member of the law firm of Mansfield, McMurrey & Cornish.

Witness my hand this the 24th day of December, 1900.

J. P. GRADY,
U. S. Marshall as aforesaid
By Robt. Fortune, Deputy.

Fee for serving 50 cents.
Paid by J. G. Ralls,
J. P. Grady,
U. S. Marshall.

COPY.

United States of America,
Indian Territory.
Central District.

I, Wm. Beadles, a notary public within and for the Central District of the Indian Territory, with office at Grant, I. T., do hereby certify that the above and foregoing is a true and correct copy of the deposition of Joel Everidge taken before me on the 8th day of January, A. D. 1901, and that the copy of the notice thereto attached is a true and correct copy of the original notice attached to said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of such Notary Public aforesaid, at Grant in said District and Territory, this 9th day of February, A. D., 1901.

(Signed) Wm. Beadles,
Notary Public aforesaid.

C O P Y .

An Act entitled an Act directing and authorizing the supreme judges of the Choctaw Nation to take evidence during the term of the Supreme Court of all persons who may claim to be Choctaw or Chickasaw descent, and fixing their pay.

Sec. 1st. Be it enacted by the General Council of the Choctaw Nation assembled; That the Supreme Judges of this Nation be and they are hereby directed and authorized that after the regular business of the Court is disposed off, shall proceed to take evidences in all cases of any person or persons claiming to the Choctaw or Chickasaw descents, who may have settled or may hereafter settle in this Nation, claiming the rights and privileges of citizenship, said person or persons shall be required to prove his, her or their blood and descent by two or more disinterested witnesses; and all the evidences taken and the opinion and the decision of the Judges shall be entered upon the minutes of the Courts; and for preventing any error the proceeding of the previous day shall be read and corrected before it shall be signed by the judges of the Supreme Court; and the said opinion and decision of the Supreme Judges of any person or persons to be the bonefide citizens of this Nation shall be final and filed away in the office of the clerk of the Supreme Court.

And be it further enacted, That any person or persons claiming to be Choctaw or Chickasaw descent and settle within the limits of this Nation, and fail to prove to be Choctaw or Chickasaw descent, shall remove from this Nation, by the sheriff of the County in which he, she or they may have settled, and in that case he, she or they refuse to comply with the requirement of this Act, then the sheriff of said county shall inform of the existance of the fact to the United States Indian Agent for the Choctaws and Chickasaws to take such steps as he may think proper to effect in

the removal of person or persons so refusing beyond the limits of this Nation.

That the Supreme Judges and Clerk in the performance of this extra duty in addition to what is already imposed upon them, shall be entitled to increase the sum of seven dollars a day each from the National Treasurer, upon the certificates of the Chief Justice and attested by the Clerk of the Court, of the amount of days they may have apt, and National Auditor is hereby required to issue his warrant upon the National Treasurer and the National Treasurer pay the same.

Be it further enacted, That this act shall take effect and be in force from and after its passage. Approved this 20th day of March A. D. 1872.

WILLIAM BRYANT, PC. C.N.

This is to certify that the foregoing is a true and correct copy from the original act of the General - - - of the Choctaw Nation passed and approved by the special session of the Council now on filed in the office of National Secretary at Tushka Homma, the capital of the Choctaw Nation.

Witness my hand and the Great Seal of the Choctaw Nation this the 21st day of October A. D. 1896.

J. B. JACKSON,
National Secretary, Choctaw Nation.

Endorsed:

Department of the Interior,
Commission to the Five Civilized Tribes.
FILED
Tams Bixby Acting Chairman.

I, S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, certify on oath that the foregoing is a true and correct copy of the Act of the Choctaw Council now on file with the Commission in Choctaw case No. 3854.

S. A. Apple

Subscribed and sworn to before me this February 17, 1903.

Charles H. Carson

C O P Y .

In Supreme Court, Oct. Term 1872.

In the matter of the Petition of Wm. Buckholts, R. T. Jones, John Hall.

Their petition asking for a citizenship to be granted to them by the Supreme Court as the law directs have taken the same under consideration, and are of the opinion that the evidences of the witness that they are descendants of the Choctaw People, therefore citizenship is hereby granted them.

I. L. GARVIN, Chief Justice

J. W. EVERIDGE, Associate

R. W. WILSON. Associate

Attest:

Green W. GARDNER,

Supreme Clerk.

I do hereby certify that the above is a true copy from the original decision of the Supreme Court of the Choctaw Nation.

This 16th Oct, 1872.

GREEN W. GARDNER,

Supreme Clerk of the C.Nation.

E N D O R S E D :
Department of the Interior,
Commission to the Five Civilized Tribes
FILED Tams Bixby Acting Chairman.

I, S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, certify on oath that the foregoing is a true and literal copy of the decision of the Choctaw Supreme Court on file with the Commission in Choctaw case No. 1004.

S A Apple

Subscribed and sworn to before me this February 17, 1903.

Charles H Lamm

James M. Buckles,)
to) SS.
J. H.Perryman,)

Be it remembered, that on this 15th day of June, 1866, the the following marriage license was issued, to-wit:

Texas, towit; Smith County, SS.

To all who shall see these presents, Greeting:

Know ye, that any person legally authorized to celebrate the rites of matrimony, is hereby licensed to join in marriage as husband and wife, James M. Buckles and J. H. Perryman and for so doing, this shall be his sufficient authority.

In testimony whereof, I, Ed Shary, Clerk of Smith County Court, hereunto subscribe my name and affix the seal of said court, this 15th day of June, 1866.

Ed Shary, Clk.

Be it remembered that on this 30th day of June, 1866, the following certificate was filed in my office, towit:

Texas, Towit; Smith County.

This certifies that I joined in marriage as husband and wife, James M. Buckles and J. H. Perryman on the 14th day of June 1866.

(Signed) W. H. Ray,

M. C.

STATE OF TEXAS,)
County of Smith)

I the undersigned, Clerk of the County Court, of Smith County, Texas, do hereby certify that the above, and foregoing writing is a true and correct copy of record of marriage license as same appears in Vol. E. p.465, Marriage Records of Smith Co., Texas.

Given under my hand and seal of Office at my office in the city of Tyler, Texas, this 11th day of August 1896.

(Signed) Jno. A. Lott,
(S E A L) Clerk, County Court, Smith Co., Texas.
By I. N. Cross, Dep.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of James M. Buckholts for the enrollment of himself and his two children, Rebecca and Allie Buckholts, as citizens by blood of the Choctaw Nation. ----D 357---

On this 9th day of April, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, the applicants appeared by their attorneys, J. G. Ralls, and A. Telle, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray and Cornish, whereupon the following proceedings were had:

Mr RALLS: We wish to introduce some evidence in support of this case, and which is to apply also to other members of this family who have applied for enrollment.

Mr CORNISH: There will be no objection by the Choctaw Nation to the introduction of this testimony at this time.

WILLIAM BUCKHOLTS, being called as a witness, and having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A William Buckholts.
Q What is your post office address? A Wapanucka, Indian Territory.
Q How old are you? A Eighty four years oddthe fifth day of last January.
Q How long have you been living in the Choctaw Nation? A I moved here across Red River on the first day of March, 1872.
Q You are a recognized citizen of the Choctaw Nation? A Yes sir.

Examination by Mr Ralls:

Q Are you acquainted with James M. Buckholts? A I ought to be he is my oldest son.
Q You are acquainted with his wife and children? A Yes sir.
Q Are you acquainted with Francis M. Jones? A Yes sir.
Q Is he related to you? A He is my grandson.
Q Do you know Nathan H. Simmons? A Yes sir.
Q Is his wife related to you? A Yes sir, he married my granddaughter. Francis and Lizzie are brother and sister.
Q Are you acquainted with John Null who is living at this time? A Yes sir.
Q What relation is he to you? A I am his uncle.
Q Were you acquainted with his father? A Yes.
Q His father married your sister did he? A Yes sir, my oldest

sister.
Q Are you acquainted with R. T. Jones? A Yes sir, he married my oldest daughter.
Q Yourself, R. T. Jones, and the old man John Null were admitted to citizenship by a decision of the Supreme Court of the Choctaw Nation in 1872? A Yes sir.
Q You are acquainted with most all of the descendants of R. T. Jones and John Null, are you? A Yes sir.
Q Your people have been recognized as Choctaws by blood, have they, since your admission by the Supreme Court? A Yes sir, never a word said until 1898, I believe.
Q Your mother was Elizabeth Brashears? A Yes sir.
Q What name did she go by at the time she was enrolled? A She went by the name of Elizabeth, but grandfather always called her Betsey and he had her enrolled.
Q Had her enrolled as Betsey Buckles? A Yes sir.
Q I notice the spelling of the name Buckholts as Buckles--Can you explain that? A Yes sir, it is called I reckon ten times more correctly now than it ever was until I can here; they called me Buckles all the time, but there was a Buckles who kept Wright's mill, and they got to calling me Buckholts.
Q What relation are you to Betsey Buckles who appears on the list of Mississippi Choctaws? A She is my mother.
Q Did she get land there in Mississippi? A Yes sir.
Q Under what treaty was that? A 1830.
Q Do you know any other name for that treaty---in relation to where it was made---Do you know any name being given to that treaty?
A I think---
Q Well, do you know whether or not it was known as the Dancing Rabbit Creek treaty? A Let me understand you.
Q Did you ever hear it called the treaty of Dancing Rabbit Creek?
A Yes, many a time.
Q You lived in Mississippi at that time did you? A No, lived in Alabama.
Q What place in Alabama? A It is now Sumter county; it was then the Choctaw Nation.
Q That was near the state line was it not? A Yes sir, I was within about two and one half miles from the Tom Bigbee River and that was the line.
Q And where was the land your mother got for herself and children with reference to the Tom Bigbee River? A None of it touched the river, but then it was close to it.
Q Did your mother die there? A Yes sir.
Q Do you know whether or not a patent wasissued to her for that land
A They got the patent before either of them died.
Q What time did she die? A I think mother died in September,1837., and I think father died in June 1838.
Q Was your father a white man or an Indian? A He was a white man.
Q You all lived there on that land until the death of your father and mother? A Yes sir.
Q Who administered on the estate if anybody? A My oldest brother.
Q What was his name? A Augustus.
Q What was the name of your sister who married John Null? A Sarah H. Buckholts.
Q Is she living or dead? A She is dead.
Q How old would she be if she were living now? A Augustus was born I think in September 1813, Sarah was right after him, Caroline next,

and I was the next, and I was born on the 5th day of January, 1818; Sarah must have been born about 1818 somewhere about that--I used to have the record.
Q How much land did your mother get? A She got four sections and a quarter.
Q Do you know where the original patent to that land is at the present time? A It is recorded in Livingston, the county seat of Sumter County, Alabama.
Q Do you know what became of the original patent that was issued by the government? A That is the ent, but I don't know where it was--what became of it---I moved away from there before my brother died.
Q These people here in the Choctaw Nation known as the Jones, Buckholts and Bull people are all descendants of Betsey Buckholts? or Buckles? A Yes sir.
Q I notice that in Volume 8, American State Papers, Betsey Buckles it is listed as having five children over ten years of age, and three children under ten years of age? A Four isn't it?
Q Do you know whether or not the name appears at any other place and gives the number of the children different to that in any respect; if so, state how it appears different in regard to the ages of the children? A I don't know that I can--I was with my sister when she gave in her testimony, and she said she was enrolled as being over ten years, and I told her that was wrong; and she said that the enrolling officer told her that she was so nigh ten that he cut it ten and in 1830 she was only nine. When the enrolling officer came next year to enroll her they said she was so nigh ten, they put her ten, and the officers of the government found it out of course and put her down as under ten and the patent gave her land for four children over ten and five children under ten and her own section made four section and a quarter, and I know that was the amount that was on the patent.

Examination by Mr Telle:

Q Was Caroline Hazel one of your sisters? A Yes sir.
Q Is she living? A No sir.
Q Do you know her children? A Yes sir, most of them.
Q Do you know whether she had a daughter who married a man named Holder? A Yes sir.
Q Do you know the children of that woman that married Holder? A I knew her before she married Holder.
Q Do you know any of her children? A Yes, she had a daughter Minnie Holder.
Q Do you know whether she is married and what her name is now? A No sir.
Q This Minnie Holder is a granddaughter of your sister Caroline Hazel? A Yes sir.

(Witness Excused)

Mr RALLS: These applicants are not applying as Mississippi Choctaws.

----- o -----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes

James M. Buchholtz------4

he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Ristean

Subscribed and sworn to before me this 10th day of April, 1902.

Clara M. Tickell Wood

Notary Public.

COPY.

INDIAN TERRITORY. }
Blue County, Choctaw Nation. } SS.

I, F. E. Folsom Clerk of the County court of said county, do hereby certify that the foregoing instrument of writing, dated the 28 day of Nov 1900, with its Certificate of Authentication, was filed for record in my office the 3rd day of Dec 1900 at ____ o'clock ____ M., and duly recorded this 3rd day of Dec. 1900 at ____ o'clock M., in the records of said County in Volumn A on Pages 354
WITNESS my hand and seal of the county court of said county, at office in Caddo, the day and year last above mentioned.

((SEAL)

F. E. Folsom
Clerk, County Court, Blue County.

------o------

Blue County, Choctaw Nation.

This is to certify that Joseph Edward Dwight and Allie Elizabeth Buckholts were duly united in the holy bonds of matrimony, by the undersigned at Boggy Depot, on the 28th day of November 1900 according to the laws of Choctaw Nation respecting matrimony.

R. J. Hogue

a ministerof the Gospel

------c------

Endorsed:

Choc. D. 357

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
NOV 4 1902
Tams Bixby, Acting Chairman.

7-B-357.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James M. Buckholts, Rebecca Buckholts and Allie Dwight, as citizens by blood of the Choctaw Nation.

--- D E C I S I O N. ---

It appears from the census card and other records in this case that James M. Buckholts appeared before the Commission at Caddo, Indian Territory, on August 24, 1899, and made personal application for the enrollment of himself and his two children, Rebecca and Allie Buckholts, as citizens by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Atoka, Indian Territory, on December 4, and December 7, 1900, and at Muskogee, Indian Territory, on April 9, 1902. On November 4, 1902, evidence of the marriage of Allie Buckholts and Joseph Edward Dwight, a recognized and enrolled citizen by blood of the Choctaw Nation, was filed with the records of the Commission, from which it appears that said parties were married on November 28, 1900.

It further appears from the record in this case that the principal applicant, James M. Buckholts, is the son of William Buckholts, a citizen by blood of the Choctaw Nation, who was admitted as such by a judgment of the Supreme Court of the Choctaw Nation, rendered in October, 1878 (certified copy attached), and Matilda Buckholts (deceased), a non-citizen; and that applicants, Rebecca Buckholts and Allie Dwight, are the issue of the marriage of the said

James M. Buckholts and Jennetta Buckholts (nee Perryman), a non-citizen white woman.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the names of James M. Buckholts (as James Buckholts), Rebecca Buckholts (as Rebacca Buckholts) and Allie Dwight (as Alice Buckholts), are identified on the 1893 Choctaw Leased District Pay Roll, Blue County, page 13, Nos. 139, 140 and 141, respectively, enrolled as citizens by blood of the Choctaw Nation. The names of James M. Buckholts (as J. M. Buckholts), Rebecca Buckholts and Allie Dwight (as Allie Buckholts), are also identified on the 1896 Choctaw census roll, Nos. 1536, 1537 and 1538, respectively, enrolled as citizens by blood of said nation.

It further appears from said census card records of the Commission that all of the applicants herein were residents in good faith of Indian Territory on June 28, 1898, all applicants listed for enrollment on census cards in 1899 having been first examined as to such fact, although their testimony was not reduced to writing.

The evidence in this case further shows that the Choctaw Nation, through its attorneys, has protested against the enrollment of the applicants herein on the ground that the name of the principal applicant, James M. Buckholts, was not included in the judgment of the Choctaw Supreme Court admitting his father, William Buckholts, to citizenship in said nation, although the said James M. Buckholts was living at that time; that therefore the applicants herein can acquire no rights to Choctaw citizenship by virtue of the admission of the said William Buckholts, and that none of said applicants has ever been admitted to Choctaw citizenship by the legally constit-

tuted authorities of said nation.

The Act of the General Council of the Choctaw Nation, under the terms of which the applicants herein claim their right to enrollment as citizens by blood of the Choctaw Nation, was approved on March 20, 1872, and is entitled

> "An Act directing and authorizing the supreme judges of the Choctaw Nation to take evidence during the term of the Supreme Court of all persons who may claim to be Choctaw or Chickasaw descent, and fixing their pay."

In section one of said act the Supreme Judges of the Choctaw Nation are directed

> ". . . . . to take evidences in all cases of any person or persons claiming to the Choctaw or Chickasaw descents, who may have settled or may hereafter settle in this Nation, claiming the rights and privileges of citizenship, said person or persons shall be required to prove his, her or their blood and descent by two or more disinterested witnesses; and all the evidences taken and the opinion and the decision of the Judges shall be entered upon the minutes of the Courts; . . . . . .and the said opinion and decision of the Supreme Judges of any person or persons to be the bonefide citizens of this Nation shall be final and filed away in the office of the clerk of the Supreme Court."

The applicants herein contend that their ancestor, William Buckholts, applied under this [redacted] the Supreme Judges of the Choctaw Nation to have his citizenship rights determined; that the said William Buckholts attempted to include the names of his descendants in his application, but was informed by the Chief Justice that this was unnecessary, and that his (William Buckholts') recognition as a Choctaw by blood carried with it the recognition of his children; that for this reason and following the general custom in such cases at that time, the names of his descendants were not included in said application.

The contention of the applicants is supported by the deposition of Judge Joel Everidge, one of the Supreme Judges of the Choctaw Nation at the time of the admission of the said William Buckholts;

by the testimony of James S. Standley, Joseph R. Plummer, Alinton Telle, Judge Simon E. Lewis and William Buckholts, all representative citizens of the Choctaw Nation; and by the tribal recognition given the descendants of the said William Buckholts on all the rolls of citizens of the Choctaw Nation prepared since the date of said act of admission.

It is the opinion of this Commission that the contention of the applicants herein has been established, and that, therefore, James M. Buckholts, Rebecca Buckholts and Allie Dwight should be enrolled as citizens by blood of the Choctaw Nation under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

COMMISSIONER.

COMMISSIONER.

COMMISSIONER.

Muskogee, Indian Territory,

JUL 20 1903

COPY.

Choctaw-D-357.

Muskogee, Indian Territory, July 20, 1903.

James M. Buckholts,

Wayne, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of James M. Buckholts and his two daughters, Rebecca Buckholts and Allie Dwight for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

Registered.

Enc. IBS. 61/20

COPY.

Choctaw-D-357.

Muskogee, Indian Territory, July 20, 1903.

J. G. Ralls,
Attorney-at-Law,
Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of James M. Buckholts and his two daughters, Rebecca Buckholts and Allie Dwight for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED
T. B. Needles
Commissioner in Charge

Registered.

Enc. Int. 62/20

Choctaw-D-357.

COPY.

Muskogee, Indian Territory, July 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of James M. Buckholts and his two daughters, Rebecca Buckholts and Allie Dwight for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. IBS. 63/20

Muskogee, Indian Territory, August 22, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of August 15, inclosing protest of the Choctaw and Chickasaw Nations to the action of the Commission in enrolling James M. Buckholts and his children, Rebecca Buckholts and Allie Dwight, as citizens by blood of the Choctaw Nation.

You are hereby advised that the original record in this case, together with the decision of the Commission enrolling the applicants therein, and the protest of the Choctaw and Chickasaw Nations, has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 22, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is inclosed herewith original record in the matter of the application of James M. Buckholts for the enrollment of himself and his children, Rebecca Buckholts and Allie Dwight as citizens by blood of the Choctaw Nation, together with the decision of the Commission enrolling said applicant and the protest of the attorneys for the Choctaw and Chickasaw Nations to the action of the Commission therein.

Respectfully,

Commissioner in Charge.

Choctaw D 357

Through the Commissioner
of Indian Affairs.

(C O P Y)

D.C. 6526 J.P.

ITD 8490-1903. WHR.
1430-1903. DEPARTMENT OF THE INTERIOR,

L.R.S. W A S H I N G T O N .

February 24, 1904.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of an opinion of the Assistant Attorney General for this Department of February 18, 1904, in the matter of the application for the enrollment of James M. Buckholts, Rebecca Buckholts and Alice Dwight, formerly Buckholts, which opinion has been approved by the Department.

In accordance therewith your decision in favor of the applicants is hereby affirmed.

A copy of the Commissioner of Indian Affairs' letter of December 1, 1903, submitting the case, is enclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

2 Inclosures.

(C O P Y)

I.T.D.
8490-1903.

SVP
JRW
WCP

DEPARTMENT OF THE INTERIOR
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL

W A S H I N G T O N .

February 18, 1904.

The Secretary of the Interior.

Sir:

I am in receipt, be reference of the Acting Secretary, December 5, 1903, of the papers, for my opinion, in the case of James M. Buckholts and his children, Rebecca Buckholts and Allie Dwight (nee Buckholts), applicants for enrollment as citizens by blood of the Choctaw Nation.

The Commission to the Five Civilized Tribes found that:

James M. Buckholts is the son of William Buckholts, a citizen of the Choctaw Nation, who was admitted as such by a judgment of the Supreme Court of the Choctaw Nation, rendered in October 1872 (certified copy attached), and Matilda Buckholts (deceased), a non-citizen; and that applicants, Rebecca Buckholts and Allie Dwight, are the issue of the marriage of the said James M. Buckholts and Jennetta Buckholts (nee Perryman), a non-citizen white woman.

.....James M. Buckholts (as James Buckholts), Rebecca Buckholts . . . . and Allie Dwight (as Alice Buckholts, are identified on the 1893 Choctaw Leased District Pay Roll, Blue County, ... as citizens by blood of the Choctaw Nation . . . also identified on the 1896 Choctaw census roll, ... as citizens by blood of said nation.

. . . . all of the applicants herein were residents in good faith of Indian Territory on June 28, 1898 . . . . . .

. . . . the Choctaw Nation, through its attorneys, has protested against the enrollment of the applicants herein on the ground that the name of the principal applicant, James M. Buckholts, was not included in the judgment of the Choctaw Supreme Court admitting his father, ... although the said James M.

Buckholts was living at that time; that therefore the applicants herein can acquire no rights to Choctaw citizenship by virtue of the admission of the said William Buckholts.

Reciting the Choctaw act of March 20, 1872, vesting the Judges of the Choctaw Supreme Court with jurisdiction to admit claimants to citizenship, the Commission further found that:

The applicants herein contend that their ancestor, William Buckholts, applied under this act to the Supreme Judges of the Choctaw Nation to have his citizenship rights determined; that the said William Buckholts attempted to include the names of his descendants in his application, but was informed by the Chief Justice that this was unnecessary, and that his (William Buckholt's) recognition as a Choctaw by blood carried with it the recognition of his children; that for this reason and following the general custom in such cases at that time, the names of his descendants were not included in said application.

The Commission found this contention to be supported by the testimony of the Supreme Jusge presiding at the time of William Buckholts's admission and by the tribal recognition given his descendants on all the rolls of citizens prepared by the nation after that time, and adjudged that:

. . . James M. Buckholts, Rebecca Buckholts and Allie Dwight should be enrolled as citizens by blood of the Choctaw Nation under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

The evidence further shows that William Buckholts was the son of Betsy Buckles, otherwise known as Elizabeth Buckholts, mentioned by these names in letters of the Indian Office of September 22, and October 7, 1837, a reservee and beneficiary

under the 14th article of the treaty of Dancing Rabbit Creek, who received four and one-quarter sections of land in Sumter County, Alabama, for herself and nine children, four over and five under ten years of age. In the fall of 1850 William Buckholts, one of these children, moved from Mississippi to Texas and there resided until 1872, when he removed with his family taking James M. Buckholts, his son, with him to Indian Territory, where they have ever since resided. James M. Buckholts made his application for enrollment by the Commission prior to December 4, 1900, and some testimony in his case was taken on that day, so that, were he not entitled to enrollment as a citizen by virtue of his father's admission in 1872, the record shows him entitled to identification as a Mississippi Choctaw within the strict terms of section 41 of the act of July 1, 1902 (32 Stat., 641, 651).

But authority for his enrollment need not, in my opinion be referred to that section. The effect of the judicial admission of William Buckholts must be determined by the law of the Choctaw Nation and the pratice of its courts thereunder. The act of the Choctaw Nation of March 20, 1872, vested jurisdiction in the Supreme Court of the nation, during the terms of the court, to take evidence and hear the applications of persons of Choctaw or Chickasaw descent claiming rights and privileges of citizenship. The interpretation of the law by that court and

the practice of the court under the act are conclusive upon the nation, not to be changed to the prejudice of those cases were adjudged and who relying upon such judgment identified themselves with the nation and have ever since co-operated in its upbuilding and development. It is abundantly proven by other testimony, and by that of the judge presiding at the time of William Buckholts's admission, that he then called to the court's attention the fact that he had children who with him had moved to the nation and desired a decree in their favor, if such were necessary to be made, and that the Chief Justice there presiding over the court there sitting announced that such was the effect of the decree made. The Supreme Court certainly had jurisdiction to construe and announce the effect and force of its decree and to conclude the Choctaw Nation by such interpretation of its law.

I am therefore of opinion that the Commission to the Five Civilized Tribes properly admitted the applicants to enrollment, and that its action in that respect should be approved, and that the protest of the Choctaw Nation should be overruled.

Very respectfully,

(Signed) Frank L. Campbell,

Assistant Attorney-General.

Approved February 18, 1904.

E. A. Hitchcock,

Secretary.

(C O P Y)

Land.
55269-1903.
66141-1903.
59739-1903.
76872-1903.
77121-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Dec. 1, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit for your consideration record of the Commission to the Five Civilized Tribes in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of James M. Buckholts, Rebecca Buckholts, and Allie Dwight, where a decision enrolling them was rendered by the Commission on July 20, 1903. It appears from the record in this case that the principal applicant, James M. Buckholts is the son of William Buckholts, a citizen by blood of the Choctaw Nation, the father having been admitted as such by a judgment of the supreme court of the Choctaw Nation rendered in October 1872, and Matilda Buckholts, deceased, a non-citizen, and that the applicants Rebecca Buckholts and Allie Dwight are the issue of the marriage of James M. Buckholts and Jennetta Buckholts, nee Perryman, a non-citizen white woman.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission it is set out in the

record that the names of James M. Buckholts as James Buckholts, Rebecca as Rebecca Buckholts, and Allie Dwight as Alice Buckholts are identified on the 1893 Choctaw leased district pay roll, Blue County, page 13, Nos. 139, 140, and 141, respectively, enrolled as citizens by blood of the Choctaw Nation. The names of James M. Buckholts as J. M. Buckholts, Rebecca Buckholts, and Allie Dwight as Allie Buckholts are also identified on the 1896 Choctaw census roll Nos. 1536, 1537 and 1538, reppectively, enrolled as citizens by blood of said nation. It further appears from the census card records of the Commission that all of the applicants herein were residents in good faith of Indian Territory on June 28, 1898, all applicants listed for enrollment on census cards of 1899 having been first examined as to such fact, although their testimony was not reduced to writing. It is shown by the testimony of William Buckholts that he is the son of Betsey Buckles, a beneficiary under the 14th article of the Choctaw treaty of 1830, it being his contention that she received four and one-2uarter sections of land in Sumter County, Alabama, in behalf of herself and four children over five and under ten. He explains the difference in names arising through the fact that there was another person of the name of Buckles living in the neighborhood where he resided and the misunderstanding arising from the similarity of the

names resulted in his being called Buckholts. He was 84 years of age in January, 1902. Having been admitted to citizenship in the Choctaw Nation in 1872 immediately succeeding his arrival there from Texas, where he had previously resided, his admission was based on proof of his Choctaw blood derived through Betsey Buckles, his mother.

The records of this office show that Betsey Buckles received for herself and three children over and five under ten three and three fourths sections of land, described as follows: The North fractional half Section 15, the northeast and southwest quarters Section 10, the East half Section 3, all of Section 2, all in Township 17 North, Range 1 West, and all Section 34 and the southwest quarter of Section 35, both in Township 18 North, Range 1 West, Sumpter County, Alabama. The witness says a patent was received by his mother for this land, a patent was in fact issued to her for the land.

The Choctaw Nation through its attorneys has protested against the enrollment of the applicants herein, on the ground that the name of the principal applicant, James M. Buckholts, was not included in the judgment of the Choctaw supreme court admitting his father, William Buckholts, to citizenship in the Nation, although James M. Buckholts was living at that time; that therefore the applicants herein can acquire no rights to Choctaw citizenship by virtue of the admission of

William Buckholts and that none of the applicants has ever been admitted to Choctaw citizenship by the legally constituted authorities of the Nation. The Commission sets out the act of the Choctaw Nation dated March 20, 1872, authorizing the supreme judges to take evidence through the terms of the supreme court of all persons claiming to be of Choctaw or Chickasaw descent. The applicants contend that their ancestor William Buckholts, applied under this act to the supreme judges of the Choctaw Nation to have his citizenship rights determined; that William Buckholts offered to include the names of his descendants in his application, but was informed by the Chief Justice that this was unnecessary, and that his (William Buckholts') recognition as a Choctaw by blood carried with it the recognition of his children; that for this reason and following the general custom in such cases at that time, the names of his descendants were not included in said application.

The contention of the applicants is supported by the deposition of Judge J. Everidge, one of the supreme judges of the Choctaw Nation at the time of the admission of the said William Buckholts; by the testimony of James S. Standley, Joseph R. Plummer, Alinton Telle, Judge Simon E. Lewis and William Buckholts, all representative citizens of the Choctaw Nation. These witnesses supported the contention that at

the time of the admission of William Buckholts he was told by the Chief Justice of the supreme court that it was not necessary that he should include in the application the names of his descendants, since his enrollment would carry with it theirs, and also that this was the custom with reference to admitting citizens by the supreme court at that time and for years subsequent. Their testimony also sustained the contention of tribal recognition given descendants of William Buckholts, and this is further supported by the fact that the names of these persons appear on the rolls of citizens of the Choctaw Nation prepared since the date of the act of admission referred to.

The Commission therefore were of the opinion that the contention of the applicants herein had been established, and that, therefore, James M. Buckholts, Rebecca Buckholts and Allie Dwight should be enrolled as citizens by blood of the Choctaw Nation under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats. 495), and it is so ordered.

On September 17th the Department transmitted to this office (I.T.D. 7131, 7959-1903) letter of Messrs. Mansfield, McMurray & Cornish, counsel for the Choctaw and Chickasaw Nations, calling attention to the fact that the applicants in this case are related to the applicants in the cases of

J. M. Humans, et al., and Anna Smith, et al., vs. Choctaw and Chickasaw Nations now pending before the Choctaw and Chickasaw Citizenship Court, and claim the same blood, family relationship, ancestry and source of right as a foundation for their respective claims. The authorities by reason of the relationship, similarity of blood ancestry, and source of right between the applicants in this case and the applicants in the case last above referred to, protested against the enrollment of these persons at this time.

On October 13th the Department transmitted to this office letter of Messrs. Mansfield, McMurray & Cornish by letter I.T.D. 8303-1903, requesting that no action be taken in this case upon their protest and brief or otherwise until a general request with reference to this same class of cases is received and passed upon bythe Department. The office is also in receipt of letter of Honorable John H. Stephens, of the 28th ultimo, asking that the Buckholts case be transmitted to the Department for consideration.

The Department has determined (Nov. 18th I.T.D. 7922-1903), that cases now pending before the Department or the Commission involving persons who were admitted by action of the national authorities of the Choctaw Nation, whose ancestry is the same as other persons whose cases are pending before the Choctaw and Chickasaw Citizenship Court, will not at present

be disposed of, but the action so taken by the Department was not of such character as to preclude the taking up of cases having special features.

The Choctaw and Chickasaw Citizenship Court was not established for the purpose of determining the right of persons whose names appear on the Choctaw citizenship rolls by action of the national authorities. It has no jurisdiction over that class of cases. The Commission to the Five Civilized Tribes was vested with authority to investigate all that class of enrollments and has performed its work in connection with the case now submitted. It appears from the testimony in this case that the immediate ancestor of these applicants, who is still living and testified in the case, was regularly enrolled by the Choctaw supreme court in 1872, under a showing of Choctaw ancestry, which was entirely satisfactory to the court. It is also shown in the record that William Buckholts at that time offered to include the names of his children in his application, but was advised that it was not necessary. As throwing light on the views of the authorities at that time, the Choctaw Nation has ever since, until within the last year, recognized and conceded the citizenship of these applicants as vested in them by reason of the admission of William Buckholts, through their names having been placed upon the tribal rolls, apparently without objection.

These parties are holding lands in the Choctaw Nation upon which they wish to file as their allotments, but until their case is determined by the Department they will not be permitted to file by the Commission. Until a short time ago they were subject to having other citizens of the Choctaw Nation, of whose citizenship there was no question, file upon their lands, but I presume since the instructions issued by the Department very recently relative to that matter, the Commission is not continuing to allow filings upon lands so situated, but in any event any delay in the case is a source of great embarrassment to the applicants, and no adequate cause is shown why their case should be further suspended. The Department has already announced that it will not be bound by any judgment entered by the Choctaw and Chickasaw Citizenship Court in this class of cases, and I am therefore of the opinion that in this case at least there is no good reason for further delay, and therefore recommend that the action of the Commission in enrolling these applicants be approved.

Relative to the question of the rights of children to enrollment by reason of the admission of their parents, a question which is involved in this case, permit me to invite the attention of the Department to its decision of May 15, 1903, (I.T.D. 3490-1903), in the case of the application of Florence L. Davenport for the enrollment of her infant daughter, Ida

Myrtle Davenport as a citizen of the Choctaw Nation; to its decision of January 24, 1903 (I.T.D. 7989-1902), in the case of Prusa L. Rowland for the enrollment of herself, her son Ed. Riley and wards Thomas and Susan A. Riley as citizens by blood of the Cherokee Nation, and to its decision of Feb. 2, 1903, (I.T.D. 844-1903), in the matter of the application of David J. Matthews for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife Addie Matthews and their children, Mary L., William L., Joseph T., and Jessie M. Matthews as citizens by blood of the Cherokee Nation.

Very respectfully,

(Signed) W.A.Jones,
Commissioner.

EBH:LKS.

6 Inclosures

Muskogee, Indian Territory, March 3, 1904.

James M. Buckholts,

Wayne, Indian Territory,

Dear Sir:

You are hereby advised that on February 24, 1904, the Secretary of the Interior affirmed the decision of the Commission of July 20, 1903, enrolling you and your daughters, Rebecca Buckholts Berry and Allie Dwight, as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 3, 1904.

Allie Dwight,

Purcell, Indian Territory,

Dear Madam:

You are hereby advised that on February 24, 1904, the Secretary of the Interior affirmed the decision of the Commission of July 20, 1903, enrolling you as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 3, 1904.

Rebecca Buckholts Berry,

Purcell, Indian Territory,

Dear Madam:

You are hereby advised that on February 24, 1904, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1903, enrolling you as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory, March 3, 1904.

J. C. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby advised that on February 24, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1903, enrolling James M. Buckholts and his daughters, Rebecca Buckholts Berry and Allie Dwight as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 3, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is inclosed you herewith copy of Departmental letter of February 24, 1904, (I.T.D. 8490-1903, 1430-1903) affirming the decision of the Commission to the Five Civilized Tribes of July 20, 1903, enrolling James M. Buckholts and his daughters, Rebecca Buckholts and Allie Dwight as citizens by blood of the Choctaw Nation, together with the opinion of the Assistant Attorney General for the Department of the Interior of February 18, 1904 and the report of the Commissioner of Indian Affairs of December 1, 1903.

Respectfully,

AB 6-3

Commissioner in Charge.

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of James M. Buckholts and wife as Choctaws being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A James M. Buckholts.

Q How old are you? A Fifty-four.

Q When did you come to the Choctaw Nation? A With my father in 1872.

Q You were married to your wife in Texas before you came to the Choctaw Nation, and before your father was admitted?

A Yes sir.

Q What time was you married to her? A On the 13th day of June, 1866, in the State of Texas.

Com'r McKennon: That being the case, she was married to you before your father was admitted, and in no case could she be enrolled.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that I am the official stenographer of the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M S Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 19th., 1902.

In the matter of the application of Jeanetta H. Buckholts for enrollment as a citizen by intermarriage of the Choctaw Nation. Jeanetta H. Buckholts being first duly sworn, testified as follows:

Examination by the Commission .

Q What is your name? A Jeanetta H. Buckholts.
Q How old are you? A Fifty-five years old the last day of this month.
Q What is your post-office address? A Wayne, in the Chickasaw Nation.
Q You are a white woman are you? A Yes sir.
Q An applicant for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is your father's name? A Perryman, William Perryman.
Q Is he living? A No sir.
Q What is your mother's name? A Elizabeth Gilbrey before she was married.
Q Your parents both white persons? A Yes sir.
Q Is your mother living? A No sir.
Q You are an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, are you not? A Yes sir.
Q What is the name of your husband? A James Buckholts.
Q How old is he? A Fifty-seven years old the Sixth day of August.
Q Where did you marry him? A Married him in Smith County, Texas.
Q When? A In 1866. June, 1866. 14th day of June, 1866.
Q That was before you moved to the Choctaw Nation? A Yes sir it was in Smith County, Texas.
Q Your husband acquired his rights to citizenship in the Choctaw Nation by an act of admission of the Supreme Court of the Choctaw Nation admitting his father William Buckholts in 1872? A Yes sir.
Q You were married to James Buckholts prior to that time? A Yes sir.
Q And after William Buckholts was admitted, you removed with your husband to the Choctaw Nation? A We come here with him.
Q You were living here? A Yes sir we moved here when the old man moved here.
Q Were you ever married to James M. Buckholts under any license issued by either the Choctaw or Chickasaw tribal authorities after you moved here in 1866? A No sir.

Q You have lived in the Choctaw and Chickasaw Nations continuously since 1866? A Yes sir. I have lived in the Choctaw Nation up from the time we moved here up until last May, just about a year ago now we moved to the Chickasaw Nation.
Q You and Mr. Buckholts been living together as man and wife since 1866? A Yes sir.
Q Been no separation or divorce? A No sir.

The name of the applicant appears upon the 1896 census roll of the citizens of the Choctaw Nation as a citizen by intermarriage, page 383, No. 14338 Blue County.

Q Have you any evidence of your marriage to James M. Buckholts?
A We were required to send in our license and either the Commission has them or the attorney.
Q Did you make application to the Dawes Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A I think my husband did for me. I never.
Q Did you hear what action the Commission took upon the application made for your admission to citizenship in 1896? A The Choctaw Commission I think enrolled me.
Q I am talking about the Dawes Commission. A My husband said that he didn't believe they put me on in any way when he came home.

It appears from the records of the Commission that under the act of Congress of June 10, 1896, Mrs. J. H. Buckholts filed an original application for citizenship in the Choctaw Nation, and the same appears upon Choctaw Citizenship docket "C" case No. 943. Original application was filed September 5, 1896; the answer of the Choctaw Nation was filed September 19, 1896. On December 5, 1896, the Commission denied the application of the applicant as an intermarried citizen from which decision no appeal was taken within the time prescribed by the act of Congress of June 10, 1896.

The Commission granted the motion of A. Telle, and J. G. Ralls, attorneys for this applicant, for thirty days time from the date hereof within which to file brief in this case.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of May, 1902, and that the above and foregoing is a full, true and complete transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 19th day of May, 1902.

Charles K. Sawyer

Notary Public.

James M. Buckles,
to
J. H. Perryman,

SS.

Be it remembered, that on this 13th day of June, 1866, the the following marriage license was issued, to-wit:

Texas, towit; Smith County, SS.

To all who shall see these presents, Greeting:

Know ye, that any person legally authorized to celebrate the rites of matrimony, is hereby licenses to join in marriage as husband and wife, James M. Buckles and J. H. Perryman and for so doing, this shall be his sufficient authority.

In testimony whereof, I, Ed Sharp, Clerk of Smith County Court, hereunto subscribe my name and affix the seal of said court, this 13th day of June, 1866.

Ed Sharp, Clk.

Be it remembered that on this 30th day of June, 1866, the following certificate was filed in my office, towit:

Texas, Towit; Smith County.

This certifies that I joined in marriage as husband and wife, James M. Buckles and J. H. Perryman on the 14th day of June 1866.

(Signed) W. H. Ray,
M. G.

STATE OF TEXAS,)
County of Smith)

I the undersigned, Clerk of the County Court, of Smith County, Texas, do hereby certify that the above, and foregoing writing is a true and correct copy of record of marriage license as same appears in Vol. B. p. 465, Marriage Records of Smith Co., Texas.

Given under my hand and seal of Office at my Office in the city of Tyler, Texas, this 11th day of August 1896.

(Signed) Jno. A. Lott,
Clerk, County Court, Smith Co., Texas.
By I. N. Cross, Dep.

(S E A L)

Department of the Interior
Commission to the Five Civilized Tribes
Pauls Valley, I.T. October 20,1902.

D.224.

Choctaw D~~224~~.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Jeanetta H. Buckholtz.

Jeanetta H. Buckholtz being first duly sworn testified:

Examination by the Commission

Q What is your name? A Jeanetta H. Buckholtz.
Q How old are you Mrs. Buckholtz? A Fifty-five last May.
Q What is your post office address? A Wayne.
Q Chickasaw Nation? A Yes, sir.
Q How long have you lived in the Chickasaw Nation? A Last May a year ago.
Q Where did you live beforenthat ? A At Boggy Depot in the Choctaw Nation.
Q How long did you live in the Choctaw Nation? A Ever since 1872.
Q You have lived then in the Choctaw-Chickasaw Country continuously since the year 1872? A Yes, sir.
Q You are a white man? A Yes, sir.
Q Applicant for enrollment as a citisen by intermarriage of the Choctaw Nation? A Yes, sir.
Q What is the name of the Choctaw citizen through whom you claim your rights? A James M. Buckholtz.
Q. Are you and James M. Buckholtz living together as husband and wife at this time? A Yes, sir.
Q Have you been living together continuously since your marriage as husband and wife? A Yes, sir.
Q In the Choctaw-Chickasaw country? A Yes, sir.
Q You are now a bonafide resident of the Chickasaw Nation? A Yes, sir.
Q Were you ever married before you married James M. Buckholtz? A No, sir.
Q Was he ever married before he married you? A No, sir.
Q There never has been any separation or divorce? A No, sir.

E. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entit ed cause on October 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

E Rosenwinkel

Subscribed and sworn to before me this 2 day of November 1902.

C T Stephens
Notary Public.

7-D-724

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jeanetta H. Buckholts as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that on August 24, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Jeanetta H. Buckholts as a citizen by intermarriage of the Choctaw Nation.

It further appears from the record herein that on June 14, 1866, the applicant, Jeanetta H. Buckholts, a white woman, was lawfully married to James M. Buckholts; that at the time of said marriage both persons above mentioned were residents of the state of Texas; that in 1872 they removed to the Choctaw Nation where they resided until May 1901, when they removed to the Chickasaw Nation where they resided, up to and including, September 25, 1902; and that they had lived together continuously as husband and wife from the date of their said marriage on June 14, 1866, up to and including, September 25, 1902.

It further appears from the record herein and from the records in the possession of this office that at the time of said marriage, the said James M. Buckholts, through whom the applicant claims her right as a citizen by intermarriage of the Choctaw Nation, was not a citizen of said nation, nor was he a citizen of the Choctaw Nation until his admission as such in October, 1872 when his father, William Buckholts, was admitted by a decree of the Supreme Court of the Choctaw Nation, although the name of the said James M. Buckholts was not specifically mentioned therein.

It further appears from the records in the possession of this office that since said admission of the said James M. Buckholts to citizenship in the Choctaw Nation in 1872, he has been recognized as a citizen of the Choctaw Nation by the tribal authorities of said nation, and that his name appears as No. 15247 upon the list prepared by the Commission to the Five Civilized Tribes under the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior May 19, 1904.

It does not appear from the evidence herein that the applicant was ever re-married to said James M. Buckholts since his said admission to citizenship in 1872.

Upon examination of the tribal rolls of the Choctaw Nation in the possession of this office it appears that the applicant is identified upon the 1896 Choctaw Census Roll, Blue county, No. 14338, and opposite said enrollment appears the notation, "Enrollment refused."

It appears from the records of the Commission to the Five Civilized Tribes that on September 5, 1896, in the case entitled,

"Mrs. J. H. Buckholts vs. Choctaw Nation" (Choctaw Citizenship Docket Case No. 943), the applicant, Jeanetta H. Buckholts, (as Mrs. J. H. Buckholts), made original application to the said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation as an intermarried citizen thereof, and on December 5, 1896 said Commission rendered its decision therein, denying said application, from which decision no appeal was taken.

I am of the opinion that, following the ruling of the Department in the case of Angeline White, (I.T.D. 1130-1905), the denial of the applicant in 1896 by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), was without any force or effect upon her status as a citizen by intermarriage of the Choctaw Nation.

I am further of the opinion that, following the ruling of the Department in the case of Angeline White, (I.T.D. 1130-1905) and the decision of the Commission to the Five Civilized Tribes in the Choctaw enrollment case of Nancy Marshall, (7-4401), Jeanetta H. Buckholts should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

DEC 27 1905

COPY.

7-D-724.

Muskogee, Indian Territory, December 27, 1905.

Jeanetta H. Buckholts,

Wayne, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 27, 1905, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, your name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Commissioner.

Registered.
Incl. 7-D-724.

COPY.

7-D-724.

Muskogee, Indian Territory, December 27, 1905.

J. G. Ralls,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 27, 1905, rendered his decision granting the application for the enrollment of Jeanetta H. Buckholts as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for approval.

Respectfully,

Commissioner.

Registered.

COPY

7-D-724.

Muskogee, Indian Territory, December 27, 1905.

S. A. Apple,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 27, 1905, rendered his decision granting the application for the enrollment of Jemmatta H. Buckholts as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for approval.

Respectfully,

[illegible]

Commissioner.

Registered.

COPY.

7-D-724.

Muskogee, Indian Territory, December 27, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 27, 1905, granting the application for the enrollment of Jeanetta H. Buckholts as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of said time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for approval.

Respectfully,

[illegible]

Commissioner.

Registered.
Incl. 7-D-724.

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I. T., December 4, 1900.

In the matter of the application of James M. Buckholt et al. for enrollment as Choctaw Citizens.
Choctaw Card D. 330.

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James S. Standley, being duly sworn and examined, testified as follows:

Mr. A. Tolle, attorney for applicants: Capt. Standley, I will ask you if you are a Choctaw Indian by blood? A Yes sir.
Q What is your Age? A 59 years of age.
Q Your residence? A Choctaw Nation, I claim Atoka as my head quarters, my home, I have no domicile in the town but I am at home here.
Q I will ask you how long you have been in the Choctaw Nation?
A I came here in 1873.
Q I will ask you whether or not you are acquainted with the laws and customs and usages of the Choctaw people with reference to citizenship? A Yes sir, I think I am.
Q Did you ever occupy any position at the Choctaw council where they have passed on these questions of citizenship? A Yes.
Q I will ask you if you have ever acted in the capacity of draftsman for the Council? A Yes.
Q Where citizenship cases were passed upon? A Yes, many a time.
Q I believe you state that you are well acquainted with the laws of the Choctaw Nation. A Yes sir.
Q I will ask you if you know of any law of the Choctaw Nation previous to the Act of 1888 wherein it was required that the namesof the applicants should be presented to the Council, all of the names, other than the heads of families? A No, I do not.
Q Then, as I understand, it has been the custom of the Council to admit people by simply admitting the heads of families? A Yes, I will say that is my understanding, some have been.
Q Admitted the heads of families and the others all came in?
A That has been the custom.
Q I will ask you if you know William Buckholt? A Yes.
Q And R. T. James? A Yees.
Q I will ask you whether or not you know John Null? the old John Null? A I knew of him, simply as a matter of record, and a matter of common knowledge in the country.
Q I will ask you if you know of any statute authorizing the Supreme Court to pass on cases in the Choctaw Nation: any law of the Choctaw Nation authorizing the Supreme Court to pass on citizenship cases.
A The Supreme Court of the Choctaw Nation, there used to be an old law years ago,that was the law when I came here.
Q You were not present when the Supreme Court passed on the case of William Buckholt and others? A No.
Q I will ask you if you were attorney in the case of one J. R. Plumer when he was admitted to citizenship by the Citizenship Commission of the Choctaw Council? A Yes.
Q I will ask you if there was any expression of the Committee as to what the re intention was at the time that he was admitted to citizenship? A There was no question raised by the Commission that I knew of with reference to the necessity of having his entire family incorporated in the bill.
Q Did the applicant himself ask the question? A Yes, the question was raised by him.
Q And what was the answer of the Commissi on to his question as

to whether he ought to name the children or not? A It has been a good long time ago, but my recollection is it wasn't necessary.

Q That the admission of the parents carried with it the rights to the children? A Yes.

Q Then as far as your experience goes and observation with reference to the Choctaw affairs, it has been the custom of the Choctaw Nation where the parents were admitted to citizenship, that the children took their status without naming them?

A Let me answer that in my own way, and I will state my experience to you. I was the attorney for Plumer, I was the attorney for Stewart, I was the attorney for Marsh, and I can't call to mind another case now, and in all of these cases, if it had been my understanding that it didn't carry all of them with the head of the family, it would have been an easy matter, you understand for me to insert the name. The fact that we didn't do so and I was the attorney in the case is sufficient for the Commission to understand what my understanding of the law was and what the custom was at the time as I understood it.

Q I will ask you whether or not the Choctaws have recognized the children of William Buckholt, R. T. James, and JohnNull, as far as exercising the rights of citizenship goes, since that time?

Q As to the Buckholt and James I knew more about in a general way than I do about the Null family. I will say that as far as my information goes, they have always been recognized. I have never heard anything to the contrary.

Q I will ask you if it is not true with reference to other cases where they were admitted by act of the Council and the children not named? A I think so, yes: Plumer's children went ahead here and were admitted by the laws, and that other case, and the Marshalls.

Mr. Cornish: You spoke of two or three other cases, the Marsh and Plumer cases and what other case? A Mrs. Nancy Stewart.

Q Were these cases where the heads of family only were named in the acts of admission? A In the Nancy Stewart case that was different from the others.

Q I am inquiring if you did represent certain cases wherein only certain heads of families were named in the act? A Yes.

Q What other case in addition to the Buckholt? A The Marshall case and the Plumer case: the Stewart case went beyond the Council.

Q These are two cases wherein only the heads of families were named? A Yes.

Q Are there any descendants of these persons claiming and asserting rights in the Choctaw Nation? A That is my understanding, I know that some of Plumer's children are here and some not here, and Marshalls, Marshall was a mixed blood.

Q Is it not a fact that the Plumers after they were admitted by naming the head of the family, that by subsequent act of the Council the members of the family were named in that? A I don't really know that.

Q That is your understanding, is it? A Yes.

Q So that leaves only the Marshall case? A Yes, but mind you I don't remember about that subsequent act of the Plumers.

Q Isn't that your understanding, that it was done? A No I don't remember it; It might have been done, I don' t say it wasn' t done, and I might have been called upon to testify in reference to the other.

Q Is it Henry Marshall that you speak of? A Yes, Henry Marshall.

Q Captain Standley, how many acts of the Choctaw council do you think have been passed since they commenced to admit persons many years ago, about how many cases? A I can't hardly tell.

Q There have been at least 100? A Yes.

Q Perhaps 200? A Yes, I don't know how many.

Q Something perhaps 100 and 200? A That would be a good guess.

Q Isn't it a fact that so far as your information goes that only in these three cases were only the heads of families mentioned?

A I can't say, because many of these cases I had nothing to do with

Q Do you know of any other cases wherein persons claim through acts of the Council wherein only the heads of families were named?
A Of my own knowledge, no, I do not; I haven't been attorney for many cases.
Q I supposed you might be familiar with the various acts from going through the old books? A I would not know from drafting an act who was in and who wasn' t in.
Q Is it not a fact that the proportion would be fifty to one or perhaps 100 to one as regards cases wherein only the heads of families were named and the cases wherein all persons claiming admission would be? A It might be, my knowledge of it isn't sufficient to justify me in answering that question; these cases that I single out I know of personally; the other cases wherein I was simply serving as draftsman of the Council, there might have been only the heads and might have been all the family.
Q Since Mr. Telle wanted to get your opinion and general information as to the custom I thought I might go further and get the benefit of your general knowledge of Choctaw affairs as well. A Very well, and thy will see from my action as the time of the admission of these parties that it was my general understanding and the understanding of my associate, Colonel Nelson, and he was a much older man than I am and had lived here all his life and was more familiar with the laws than I was, and that was his understanding, and he guided me largely.
Q This custom, would that warrant the recognition by the Choctaws of the brothers of a person admitted and the sisters, was that your knowledge of the customs? A I wouldn't say that, I don' t know that there has been any custom on that subject.
Q Do you know of any brothers and sisters of persons admitted by acts who have without any specification by the Council been recognized as Choctaw citizens? A Yes.
Q You know of cases where one person was admitted and the brother of that person, having never been admitted, has been by the Choctaws recognized, but never was admitted by any act of Council, and carried on the rolls? A Yes.
Q What case? A I know of but one, and that is my own brother.
Q You don't know of any other case? A I can't call to mind any other case but if I were to talk around among the people and get my memory refreshed I might think of some.
Q Is your brother living? A No sir.
Q So far as you know, this custom would not extend to collateral relatives, brothers and sisters? A No, I can' t say as to what the custom has been about that, I have had no other experience; there has been no way of obtaining information on that line.
Q The only acts of the Choctaw council then of which you have a personal knowledge, wherein only heads of families were admitted and in which the relatives sought to be recognized as Choctaw citizens were these three cases that you spoke of, the Buckholt case, the Marshall case, and the Plumer case? A Yes, sir, and the Stewart case.
Attorney J. G. Ralls, for applicant: In the Stewart case before the Council, the petition only mentioned the name of Mrs. Stewart, did it? A Yes.
Q That case, it went to the Indian Agent under a special act of the Choctaw Council and there the Agent inserted the names of the descendants? A Yes.
Q And required them to be inserted there? A Yes.
Q And they were admitted there by the Indian Agent, that was approved by the Secretary of the Interior, was it? A Yes.

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J.M.B. - 4.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes therein.

(signed) B r u c e C. J o n e s.

Sworn to and subscribed before me this the 6th day of December, 1900

((SEAL))

John W. Moher,

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONnTO THE FIVE CIVILIZED TRIBES.
ATOKA, I. T. Dec. 7, 1900.

The Choctaw Nation :
:
vs . : D 355.
:
Francis M. Jones. :

APPEARANCE

For the Choctaw Nation: Melvin Cornish, Esq.

For the Applicant, J. G. Ralls, Esq.

Joseph R. Plummer being duly sworn by Acting Chairman Bixby, testified as follows.

Examination by Mr. Cornish.

Q What is your name? A Joseph R. Plummer.
Q What is your age? A Sixty seven.
Q You are a citizen of the Choctaw Nation are you? A Yes sir.
Q Admitted to citizenship by the Choctaw Council? A Yes sir, by blood.
Q I want to get a statement from you for the information of the Commission in regard to your admission to citizenship. When were you admitted? A 1883.
Q Now what persons were named in that act of admission?
A I only petitioned to be recognized myself.
Q What children did you have living at that time? A Well all of the children.
Q How many? A Eight.
Q All living at that time? A All living, no sir.
Q Some born since? A No sir, the oldest one married Butler and was dead. The youngest girl died since.
Q After that act of admission the Choctaws recognized you as a citizen? A Yes sir.
Q Immediately after your admission to Choctaw citizenship the Choctaws recognized you? A Yes sir.
Q Immediately after that did they also recognized your children, your family at that time? A Well, they did. They got the Leased District money, three of the boys .
Q Three of the boys got the Leased District money?
A Yes sir.
Q When was the second act passed? A I think in 1895. Possibly in 1894. I have the papers with me.
Q How many of your children did not get the Leased District money? A Walter G. Plummer and Mollie G. Ragen..
Q And her children? A Yes sir.
Q Did Walter G. Plummer have children also? A Yes sir.
Q The children are your grandchildren? A Yes sir.
Q And others? A I think Franklin E. Plummer.
Q And his children? A He had no children.
Q Was he your son? A Yes sir.

Q Why did they fial to get the leased district money? A Because they failed to be here the year before the Choctaw lease. All the citizens who were not within the bounds of the Choctaw Nation would not be counted in the Leased District payment.
Q Then these people you have mentioned were not living in the Indian Territory in 1893 were they. Is that your statement? A Yes sir. They were here but they came in 1893. I think that act was passed in April. In 1893 the payment was.
Q The payment made in 1893 on the rolls made in 1892? A Yes sir.
Q They were not living in the Choctaw Nation in 1892?
A No sir, they came after the roll was made up except three that received their money!
Q Did all of your children who were living here at the time the roll was made up, receive their Leased District money?
A Yes sir.
Q And those who did not reside here when the roll was made up did not receive the money? A No sir.
Q Where did they live? A They had moved to Texas.
Q When did they move back? A I think in the fall and winter of 1893.
Q They had lived here, however, from the time you were originally admitted up to the time they moved to Texas?
A Yes sir.
Q This second act was passed in 1895? A '94 or '95.
Q Whose name was included in that act? A All included except those who were living out there. I asked them to come here and live with me and if they would not come here their names would not be in there.
Q Then in the second act of admission the names of all your children who were then in the Indian Territory and living with you were mentioned? A Yes sir.
Q Why did you have that second act passed? I believed it was right. I wanted the act passed. I wanted to be fair with the Nation.
Q You felt that if this second act, stating their names was not passed, there might be some question as to their citizenship?
A Yes sir, Brasell Leflore told me to have my children recognized as soon as I could.
Q By the Council? A Yes sir.
Q And in obedience advice you had this act passed in order that there might be no question? A I did, sir.
Q Who else did you talk to about that? A Several of my friends. J. B. Jackson was the man I first had a conference with. He was then National Secretary.
Q You talked quite generally among your friends? A Yes sir.
Q Did you advise with Mr. Telle about it. A Yes sir, he drew the petition.
Q And Telle represented you before the Council by which the second act was passed? A No sir, just drew the bill upon my direction. I placed the matter before the Council myself.
Q Mr. Telle drew the bill? A Yes sir, I dictated it.
Q Did you ask his advice? A I just asked him to draw the bill. He was an attorney and ofcourse knew about it, I told him I wanted the bill to place before the citizenship committee and wanted my children that was here recognized, and those who would not come here would not be in.
Q You understand that this does not affect your citizenship?
A I will just say, my daughter, Fannie Seals, I asked her why she wouldn't live in the Indian Territory.
Q You understand this does not affect your citizenship but another question before the Commission.

Examination by Mr. Ralls.

Q It wouldn't make any difference if it did apply to your case you would answer the same way, wouldn't you? A I am pretty sound on it.
Q As I understand you, you only mentioned your own name in the petition to be admitted as a member in 1883. You were admitted and as soon as you were admitted, your children who were here with you were recognized by the Choctaws?
A Yes sir.
Q They got all the benefits as other Choctaws and afterwards in order that there might be no question at all, you had an act passed specifically naming all the children who were then here? A Yes sir.
Q And I also understood you to say that your children were residing here- in regard to the payment of the Leased District money-- were placed on the Leased District roll? A Y
A Yes sir, three of them.
Q Now isn't it a fact, that your son, Charley Plummer was elected to Council before he was specifically named in any act of admission? A Yes sir.
Q In every way your children were regarded as Choctaws?
A Those that were here.
Q That was on the theory that you being their father, your children were entitled to recognition as Choctaws? A Yes sir, He was on the Indian police for nine years. I heard him say so yesterday.
Q They didn't have anyone on the Indian police but Indians?
A No sir.
Q And as I understand you those that did not draw Leased District money were not here at the time the act for the payment of that money was passed, and under the act they could not draw the money, not being residents? A They could not receive the payment but did not affect their property right

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Myra Young being first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true, and correct transcript of her stenographic notes of said proceedings on said date.

(Signed) Myra Young.

Subscribed and sworn to before me this 18th day of December, 1900.

Tams Bixby,
Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of James M. Buckholts for the enrollment of himself as a citizen by blood, and for the enrollment of his wife as a citizen by intermarriage, of the Choctaw Nation.

D e c i s i o n .

The applicant, James M. Buckholts, appeared before the Commission at Caddo, Indian Territory, during the month of August, 1899, and there made application for the enrollment of himself as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife (name not given), as a citizen by intermarriage of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant, James M. Buckholts, has never been on the tribal rolls of the Choctaw Nation; and it does not appear that he has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from the records in the possession of the Commission, and the evidence in this case, that the said applicant, James M. Buckholts, has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896; or by the United States Court on appeal from the decision of the tribal authorities, or the decision of the Commission.

It therefore appears that the wife of said applicant, James M. Buckholts, has never been married to a recognized citizen of the Choctaw Nation under Choctaw law, as required by the laws of said Nation. And it does not appear that she was ever admitted to citizenship in the Choctaw Nation by either the tribal authorities of said Nation, or by the United States Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory on appeal from the decision of the tribal authorities or the Commission.

Therefore, the application which James M. Buckholts makes for the enrollment of himself as a citizen by blood of the Choctaw Na-

tion, and for the enrollment of his wife as a citizen by intermarriage of the Choctaw Nation, is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This First day of March, 1901.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T., December 7, 1900.

The Choctaw Nation	:	
	:	D-357
vs.	:	
James M. Buckholts	:	

A P P E A R A N C E S.

For the Choctaw Nation, Melvin Cornish, Esq.
For the Applicant, J. G. Ralls, Esq.

William Buckholts being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Ralls:

Q State your name? A Just William, no middle name.
Q William Buckholts? A Yes sir, Buckholts.
Q How old are you, Mr. Buckholts? A I lack about one month of being eighty three years old.
Q How long habe you lived in the Choctaw Nation? A Well, I moved here across Red River the first day of March, 1872 and been here ever since.
Q 1872? A Yes sir.
Q Who came with you to this country? A Well, my children all come but one.
Q Which one was that? A That was Pate. W. L. Buckholts.
Q Are you acquainted with Kelly Jones? A Yessir.
Q When did he come to this country? A He come here when I did.
Q Were you acquainted with John Null during his lifetime?
A Yes sir.
Q When did he come to this country? A He come shortly after I did. I suppose in ten days. I donot know exactly.
Q What relation were they of yours? A John Null married my oldest sister, Sarah H. Buckholts.
Q What relation was Mr. Jones to you? A He married my oldest daughter, Lura Elizabeth Buckholts.
Q Did their children come with them at the time they came here?
A All they had.
Q The other children have been born in the Nation, have they?
A Yes sir.
Q Do you remember being sworn before the Supreme Court of the Choctaw Nation in 1872? A Yes sir.
Q Who were the Supreme Justices? A There was—I don't know their given names—there was Garvin, Everidge and Fulsom. I think Fulsom lived at Skullyville. I have forgotten their given names.

Q You have lived in the Choctaw and Chickasaw Nations continuously since 1866? A Yes sir. I have lived in the Choctaw Nation up from the time we moved here up until last May, just about a year ago now we moved to the Chickasaw Nation.
Q You and Mr. Buckholts been living together as man and wife since 1866? A Yes sir.
Q Been no separation or divorce? A No sir.

The name of the applicant appears upon the 1896 census roll of the citizens of the Choctaw Nation as a citizen by intermarriage, page 383, No. 14338 Blue County.

Q Have you any evidence of your marriage to James M. Buckholts?
A We were required to send in our license and either the Commission has them or the attorney.
Q Did you make application to the Dawes Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A I think my husband did for me. I never.
Q Did you hear what action the Commission tookmon the application made for your admission to citizenship in 1896? A The Choctaw Commission I think enrolled me.
Q I am talking about the Dawes Commission. A My husband said that he didn't believe they put me on in any way when he came home.

It appears from the records of the Commission that under the act of Congress of June 10, 1896, Mrs. J. H. Buckholts filed an original application for citizenship in the Choctaw Nation, and the same appears upon Choctaw Citizenship docket "C" case No. 943. Original application was filed September 5, 1896; the answer of the Choctaw Nation was filed September 19, 1896. On December 5, 1896, the Commission denied the application of the applicant as an intermarried citizen from which decision no appeal was taken within the time prescribed by the act of Congress of June 10, 1896.

The Commission granted the motion of A. Telle, and J. G. Ralls, attorneys for this applicant, for thirty days time from the date hereof within which to file brief in this case.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of May, 1902, and that the above and foregoing is a full, true and complete transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 19th day of May, 1902.

Charles McLaughlin

Notary Public.

Q were you and Mr. Jones and Mr. Null admitted to citizenship in the Choctaw Nation by judgement of that court? A Yes sir.
Q What year was that and what month? A That was in-well it was at the regular Council in October but it might have been in November before the court decided on it.
Q And what year? A That was in '72, 1872.
Q Now, Mr. Buckholts, just you and R.T.Jones and John Null were mentioned in the judgement were you? A That was all that was in the duplicate they gave us.
Q Do you know why it was that your children were not mentioned in the judgement? A Well, I don't know that I could tell you. While I was on the witness stand I told the Court that I thought my and my sisters children ought to be in the petition.

By Mr. Cornish.
Q Does the Commission think it proper for him to repeat the statement he made at that time, a self serving declaration?
Mr. Ralls: It is n t going ot be a self serving declaration.
Mr. Cornish: I should think it would be Mr. Ralls. It is a statement that he made in his own interest.
Mr. Bixby: Let us see what the question is first.

By Mr. Ralls:
Q Go ahead. A In regard to naming the children, I told them I thought all of our childrens names ought to be in the petition and Judge Garvin, Chief Justice, said " Mr. Buckholts there is no use of it. If we recognize you older ones that includes all your descendants ". I hushed, of course I could say no more.
Q Speaking as the Chief Justice of the Court, he informed you that? A The Chief Justice, yes sir.
Q Now where have you all lived since you came to the Nation. I mean in the Nation or have you lived out of the Nation? A We aint lived out of it, we have lived here, have been out only on a visit or on business.
Q Been out just temporarily? A Yes sir.
Q Now since the Supreme Court admitted you three older ones state whether or not the Choctaw Authorities have recognized the children as citizens of the Nation? A Well, we have been recognized, the children and all, ever since, until the last year or such a matter.
Q After this question was raised? A Yes sir. There was no objection before.
Q Well have the Choctaw Authorities themselves ever made any objection t you? A None that I know of. Not a particle.
Q They have always voted have they? A Yes sir.
Q Owned farms? A Yes sir.
Q Enjoyed the schools and privileges of Choctaws? A Tes sir and served on juries, worked the roads, acted as Judges of election and all likes.
Q Been placed on the various rolls made by the Choctaws have you? A Yes sir.

By Mr. Bixby.
You are referring to himself or his children?
Mr. Ralls: To all of them.
By Mr. Ralls:
Q And they were paid Leased District money were they by the Choctaw authorities? A Yes sir.

Q Several of the descendants have married white persons have they. A Yes sir.

Q Have those white persons been recognized by the Choctaws as members of the Nation? A Well, I think so. I never heard anything to the reverse at all.

Q And ever since 1872, the Choctaws have always recognized you, Mr. Jones and Mr. Null and all of your children? A Yes sir.

Q And recognized Mr. Jones children? A Yes sir.

Q And Null's children? A Yes sir.

Q As members of the Choctaw Nation and you have enjoyed all the privileges and benefits as other Choctaws? A Well with one exception.

Q What was that Mr. Buckholts? A That is my sister died and Uncle John, I always call him Uncle, he married a white woman, and has one child by her. Well they were included in the petition but they knew they had no blood and they just withdrew.

Q They are not claiming citizenship are they? A No sir not at all.

Q One other thing. Do all of you own farms here in the Choctaw Nation, and Chickasaw together I mean? A Yes sir.

Q All that you have then is in the Choctaw and Chickasaw Nations? A Yes sir.

Q They have nothing anywhere else? A If any of them have anything outside I don't know it. I don't think they have though

CROSS EXAMINATION BY MR. CORNISH.

Q You say this was in October or November of 1872 Mr. Buckholts- it was in October or November was it not that you appeared before the Supreme Court? A Yes sir.

Q Did John Null and Mr. Jones appear there with you? A Yes sir.

Q The three of you went to Council? A Yes sir. Well, some of our children were there.

Q Some of your children were there? A Yes sir.

Q You say you stated to the Supreme Court that you thought the names of the children ought to be included in their judgement? A Yes sir.

Q What led you to think so? A Well , I don't know as I could tell you that. I just thought they all ought to be there.

Q You thought they all ought to be there didn't you? A Now I can tell you why. When I first --I spoke to old Governor Walker Tandy Walker, and asked him who would be a suitable man to write up a petition. They told me I would have to make a petition. Well he just pointed me out to Tom Ainsworth. I knew he was a pert boy but I didn't know he was a lawyer and he was taking all the names down and Null and Jones got off a little piece and talked a little and they called me out there and said " We think we had better get a lawyer to tend to ut if it does cost something" I said all right. Well if I had known that Ainsworth was a lawyer I never would have gone to another.

Q Who did you go to? A Campbell Leflore.

Q Campbell Leflore was a citizen of the Choctaw Nation? A Oh yes.

Q Did you have any witnesed before the Supreme Court Mr. Buckholts? A Yes sir.

Q Who appeared before the Supreme Court as your witnesses?

A I had old Null, Robert Jones and old Tandy Walker and Mrs. Flack. She only sent her testimony, and Mrs. William Gardner.

Q Did you have any children who lived in Texas after you came here? A One.

Q How long did he remain there? Well squire, it has been so long I cna't tell you.

Q He came here several years afterwards did he? A Yes sir.

Q He was not living here when this act of admission was rendered? A No sir.

Q Did not live here until several years afterwards? A Yes sir.

Q Is he claiming rights of citizenship? A Yes sir.

Q When he moved here several years after that time, did he go before the Council to be admitted? A No sir.

Q Then he was not admitted by act of Council when he moved here? A No he went to the officers, I don't know which one only Gardner and he said just associate with the leading characters here and let them know who who you are.

Q What is his name? A William Lafayette.

Q Is he living now? A Yes sir, he was a short time age.

Q Was he a married man when he moved to the Indian Territory? A Yes sir.

Q Has he grandchildren or just children? A He has only one grandchild and two living children.

Q Has one grand child and two children? A Yes sir.

Q They are now claiming citizenship of course, they are now claiming to be Choctaw Indians? A Yes sir.

Q What about the children of Mr. Jones. What children did Mr. Jones have at that time? A I think they had seven children when they come and five born afterwards.

Q Seven children when they came and five born afterwards?

A I think that is it.

Q Did the seven all come with him ? A Yes sir.

Q They have all lived here since that time? A All lived here since that time.

Q What about Mr. Null's children. What children did he have at that time? A Two single and some of them come the year before and they all I think come with him. Them that was married come with him.

Q Well, the Null who was your sister's husband is not now living? A No sir.

Q He is not the John Null who is now applying? A No sir.

Q This is his son? A Yes sir.

ALINTON TELLE being duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Ralls:

Q State your name? A A. Telle.

Q What is your age Mr. Telle? A Forty one years.

Q You are a Choctaw Indian by blood? A Yes sir.

Q Born and raised in the Choctaw Nation were you? A Yes sir.

Q What official position have you held in the Choctaw Nation?

A I have held several positions. The longest position I have hels was National Secretary.

Q Have you held the position of National Attorney for the Choctaw Nation? A Yes sir.

Q You have been a practicing attorney in the Choctaw Courts for how long? A For nineteen years.

Q During this time you have examined the laws of the Choctaw Nation on various questions and especially in regard to the question of citizenship have you, Mr. Telle? A Yes sir.

Q Now state Mr. Telle, if prior to October 1872, there was any law of the Choctaw Nation requiring Choctaws coming to this country to be admitted in oeder to enjoy the benefits as Choctaws?

A What was the date?

Q October, 1872? A My recollection is there was not? The law that you refer to- I think the law that is on file there with the Commission- is the first law and I think it was passed at a special term in 1872 earlier than October.

Q What time in 1872? A I think in April. I have forgotten the date exactly.

Q Then prior to that date they had no law requiring persons to be admitted by the Choctaw Council or by the courts or in any other manner in order to enjoy the privileges as Choctaws? A I have never been able to find any law they required Choctaws to be admitted by any act of Council.

Q If a Choctaw came to this country and the officials of the Choctaw Nation recognized him as a Choctaw prior to that act, then he took the privileges as a Choctaw and was duly recognized was he?

A That is my understa nding.

Q As a matter of fact a great many of the Choctaws that are now in the Choctaw Nation have come here and have never been admitted by any act at all have they, Mr. Telle, and are now recognized?

A Yes sir, a great many of them, possibly four or five hundred, I mean by that people that did not come at the time of the emigration provided by the treaties but who simply emigrated; simply came out here afterwards. They came all the way from the time of the emigration in the thirties up to this time in 1872 when the law was passed.

Q Were you a member of a Commission that made the rolls of the Choctaws in 1893? A Not in the Choctaw Nation.

Q Were you in the Chickasaw Nation? A I made the roll in the Chickasaw Nation in 1896, I believe it was, or 1896? A No sir, not in the making of the rolls.

Q What position did you hold in that regard in connection with the citizenship business? A No connection with it at all in 1896 or 1897 either.

Q Not bein acquainted with the laws and customs of the Choctaw Nation, Mr. Telle, in the preparation of the Leased District roll were persons of white blood put on as Choctaws or were only Choctaws by blood placed on the roll? A Only Choctaws by blood.

Q Your Commission determined the question of blood? A That os we enrolled them. Then there was a k ind of revisory board that passed on all of them. I think from the rolls that we made in the Chickasaw Nation of Choctaws residing there, possibly they cut out four or five.

Q And then the Leased District payment was made to those remaining on the roll after the revisory board had gone over it?

A Yes sir.

CROSS EXAMINATION BY MR. CORNISH:

Q Mr. Telle, you stated that you were National Attorney of the Choctaw Nation? A Yes sir.

Q How long have you been National Attorney? A About a year and a half.

Q You were a member of the Citizenship Com ission of the Choctaw Nation appearing before the Dawes Commission, were you not?

A I was simply clerk of the Commission.

Q How long were you clerk of the Commission before the Dawes Commission? A I have been figuring that up.

Q Since the fall of 1898? A Either the fall of 1897 or 1896. It was the first—

Q Yes- well- you have given a construction as you understand it of the laws, customs and usages of the Choctaw Nation as to Citizenship matters? A Yes sir.

Q You are an attorney in this case are you not? A I am, yes sir.

Q Do you know of any other act of Choctaw Council through which persons claiming Choctaw citizenship, that does not specifically mention the name of all the persons living at that time upon whom it is desired to confer citizenship? A No sir, I know of no act specifically on the statue books. Now there is one-there are possibly one or two that allowed people to stay here;

Q Possibly one or two? A Yes sir, I remember that in the old J. P. Folsom code. Code made in 1869 by J. P. Folsom. I see there that they allowed a white man to stay there on account of his marriage- or during good behavior I believe.

Q That is an exception or two I believe? A And then there was a band of what they called Biluksha. It seems that they were really Choctaws and in attempting to come to this country, not knowing the geography of the country went south of here and finally stopped up in the Caddo country and what is known as the Leased District. They spoke the Choctaw language and had the customs of the Choctaws and some time long about the year 1857 I believe,- I simply speak from memory, they allowed those Bilukshas to come down here as Choctaws.

Q Now those Buckholts and Jones people don't claim to be Bilukshas do they? A No sir.

Q Going back to the question. Do you know of any other act of the Council that assumes to confer citizenship on persons that don't specifically name these upon whom it is desired to confer Choctaw citizenship? A No sir.

Q You don't know of any other act? A No sir, I don't.

Q You stated that you are familiar with the laws of the

Choctaw Nation, have held various positions and practice law before the Choctaw Courts? A Yes sir.

Q You are reasonably familiar with the Choctaw laws are you not? A Reasonably so, yes sir.

Q About how many acts would you say there are of the Choctaw Council that have been passed since they began that business, about how many acts? A I dont know.

Q You could guess at it couldn't you? A I have copies of the pamphlets and could refer to them.

Q They are exceeding one hundred are they not? A I could not say as to that.

Q I would like to have you give me an idea. A If you will let me get my books.

Q There are a great many acts are they not? A Yes sir.

Q Would you give your opinion that they would exceed fifty acts specifically conferring citizenship. I suppose you would not hesitate to say they exceed fifty would you? A I would not say as a matter of f act I don't believe they go over fifty. There are a great many acts referring to citizenship but most of them refer to rejected cases.

Q There are a great many. You would not care to fix the number? A No sir.

Q Now of all that number, be it fifty, sixty, forty or two hundred, you don't know of any act that assumes to confer citizenship that doesn't name the parties specifically do you, except this act of Buckholts, Jones and Null, do you? A Well sir, to tell the truth, I don't know any act that requires it at all.

Q My question is this. You state there are a great many acts? A Yes sir.

Q Ranging it may be form forty, fifty to two hundred, there are a great many acts? A I don't say so.

Q This is my question. Of that number of acts, now do you know of any other act that assumes to confer citizenship upon persons that does not specifically name the persons in it? A Yes sir, I do.

Q Well mention them? A I know one or two. One is a case of Henry Marshall.

Q Henry Marshall. What other? A J. R. Plumer.

Q What other? A In the acts of 1864 you will find a list and where John Smith appeared, maybe said husband and children, or wife and children.

Q What act is that now? A I think about the year 1864.

Q Who were those persons? A I couldn't say.

Q Were they Mississippi Choctaws who had just joined the people here? A No.

Q Were they not Mississippi Choctaw people? A No sir.

Q Where did they come from? A They appeared at Counvil.

Q Well, where did they come from? A I don't know.

Q How long have they been from Mississippi? A They were not Mississippi Choctaws.

Q But you don't know that they were Indians who had come from Mississippi. A I couldn't say. I know some of the people have been living here aslong as I could remember.

Q But you are not able to state that they did not come direct from Mississippi to the Choctaw Nation? A I think I am in some of the cases.

Q Are you able to state in all of the cases? A No sir, I am not.

Q Is it not a fact that in the Plumer case after an act had

been passed naming the heads of the families that those parties appeared before the Council and all parties naming were mentioned?

A Yes sir, I prepared the act myself.

Q Why did you prepare the act? A The reason for that is this: One of the Plumer boys had been elected to the Council and had a seat as a member of the Council and it seems that someone suggested the idea that they could not find his name admitted by act of Council.

Q Some one suggested that? A Yes sir, who it was I could not say.

Q There was a question raised though? A Yes sir.

Q Why was the act amended? A Well, I heard it and I had been one of the their supporters and I wanted no question raised. Of course with my onformation I could see the pesibility of a question being raised so I filed a supplemental petition to the original setting forth that they had been regognized and one of them was at that time sitting as a member of Council, and I thought it was safer for the family. And filed the act and admitted the whole family.

Q Were you one of the ones who raised this question? A No sir.

Q Who raised it? A I don't remember.

Q There was a question raised? A I heard it.

Q Raised in Council? A It was outside talk.

Q It was in response to the question that was raised that you drew the act was it not? A Indirectly you might say it was.

Q You were a practicing attorney at that time? A Yes sir.

Q And were familiar at that time with the laws, customs and usages of the Choctaw Nation? A Yes sir. I knew it was no matter but simply did it as a matter of precaution.

Q As a matter of precaution you drew the act and had it passed? A Yes sir.

Q When did the Choctaw Council pass a law requiring the names of all persons upon whom it was desired to confer citizenship presented to the Supreme Court? A I don't remember ahy such law sir. There is no law to that effect.

Q My understanding was from Mr. Ralls that in 1872,-he asked you prior to that time there if there was any law requiring anyone to be admitted? A There was no law before then.

By Mr. Bixby. Is this evidence or not?
Mr. Cornish. A I don't know.
Mr. Bixby. Is it in your reply to your question? A I presume itis

A There wre people living here who never were here until that time, some of the most prominent families, come in fifty or sixty. They never had to be admitted to citizenship and that act in 1872 was the first act that was ever recognized.

Q Do you state that as your opinion or as a fact? A A fact. A matter of law and record.

Q That is the first act of the Choctaw Council admitting specific persons to Choctaw Citizenship? A Yes sir. Now there was another act passed later on. It didn't relate specifically to the method of naming applications except one part of it. That was that it required a receipt from the National Treasurer of a payment

of one hundred dollars for each name asked to be enrolled.

Q When was that. A In 1868, I think.

Q Considerably later than that? A Yes sir.

Q Then you stated assa matter of law and fact that this Buckholts, Jones and Null act was the first act of the National Council admitting persons to Choctaw citizenship? A This was not an act of Council.

Q Well an act of the Choctaw authorotiesf A Yes sir, in 1872.

Q Do I understand now as a matter of law and fact, that it is the first act of the Choctaw authorities specially granting Choctaw citizens hip to persons? A Under the law, yes sir. They were the first people. It was the first case that come up under the new law.

Q Under the new law? A Under the law of 1872.

Q Conferring this jurisdiction on the Supreme Court? A Yes sir.

Q Then you state that there is no act of Choctaw Council prior to that time specifically conferring citizenship upon applicants?

A I know of none.

Q Didn't you state, Mr. Telle- I don't believe you were quite accurate in your statements- your opinion as a lawyer or do you state it as a matter of law that there wasn't any law prior to the law in 1872? A There was no Choctaw law requiring cicizens to prove their right to Choctaw citizenship prior to this act of 1872. That's the law.

Q Here is what I undestand your answer to mean. I understand that you stated that there was no law prior to 1872 of the Choctaw Council or the Choctaw authorities prior to the admission of these Buckholts, Jones and Null families that conferred or assumed to confer citizenship upon individual persons? A Oh, I would like to understand you first. I gave you some exceptions and you said those exceptions did not apply.

Q As I understood you to state a minute ago, this was the first act of Choctaw authorities conferring or assuming to confer citizenship and before that time did not confer citizenship?

By Mr. Ralls? I would like to understand you myself.
Mr. Cornish. I am not mixed at all. If you understand English you will understand this.

Q Is this the first act of the Choctaw Council or the Choctaw authorities conferring citizenship upon specific persons, upon persons naming them? A No sir, it is not. There are those exceptions that I spoke of.

Q Prior to the admission of the Buckholts people? A Yes sir.

Q Then there are the acts of the Choctaw tribal authorities specifically conferring citizenship upon persons prior to that time are they not? A No cases of this kind.

Q Perhaps there are different cases, different persons and people but they are persons, people admitted prior to this time?

A I could not say they were admitted, you use a word there that was not known to the statue at that time.

Q I will amend the word. A There were some permitted to live here. They were white people or people of no real descent but they allowed them to stay here.

Q That was prior to the Buckholts admission? A Yes sir.

Q Those Biluksha you speak of? A Yes sir those were specifi

specific acts.

Q Those people were specifically named in the act were they not? A Who?

Q Those people that were permitted to stay here? A You mean the Bilukshas?

Q I mean all persons who were permitted to stay here. They were in the act were they not? A No sir, not all of them. Just heads of families.

Q Is this a clear recollection of the law or just as you remember it. A My recollection and I have seen them. One of the old descendants is living up here in Tobucksy County by the name of Tolu Pase, his English name is Charley Keel.

Q Now those Bilukshas you spoke of being permitted to live here, were they not admitted to citizenship? A I could not say. I could not say that the word citizenship appeared as used now.

Q Now those Buckholts people claim to have full rights of citizenship? A Yes sir.

Q Now is there any act of the Choctaw tribal authorities prior to the admission of the Buckholts people that confers or assumes to confer full citizenship upon persons, specifically named? A No sir, there is not. No sir.

Mr. Ralls:

Q As I understand you stated Mr? Telle, that law of 1872 was the first act of Choctaw Council requiring persons to prove up citizenship? Was that the act conferring jurisdiction on the Supreme Court? A Yes sir.

Q But prior to that time the Choctaw Council had passed some specific acts in regard to persons residing in the Choctaw Nation permitting them to remain,or recognizing them to that extent? A Yes sir.

SIMON E. LEWIS being duly sworn by Acting Chairman Bixby, testified as follows:

Mr. Ralls:

Q Your name is S. E. Lewis? A Yes sir.

Q How old are you Judge? A Fifty-nine.

Q How long have you lived in the Choctaw Nation? A Born here.

Q What official positions have you held in the Choctaw Nation?

A I have held a good many.

Q You are a citizen of the Choctaw Nation? A Yes sir.

Q You have acted as one of the Commissioners of the Choctaws in preparing the rolls that have been made by the Choctaw Nation have you? A Yes sir.

Q You are at present one of the Choctaw Commissioners? A Yes sir.

Q Representing the Choctaw Nation in the hearing of the protest cases? A Yes sir.

Q Of persons caliming citizenship in the Choctaw Nation? A Yes sir.

Q Were you a Commissioner that assisted in the preparation of the rolls of 1893? A No sir.

Q Were you one in 1896? A Yes sir.
Q What part of the Choctaw Nation did you work in? A There was two boards that worked on this.
Q When the first roll was made? A I made the roll of the Chickasaw Nation, of Choctaws residing in the Chickasaw Nation. Afterwards, the roll that was made of the Choctaw Nation was very incomplete and there was another board formed to go over that roll again and I was Chairman of the board for the first district and was afterwards a member of the board that revised the roll at Tushkahoma.
Q When you were in the Chickasaw Nation making the rolls of Choctaws in 1896, did you enroll any of the descendants of Mr. William Buckholts, R. T. Jones or John Null? A Yes sir.
Q Who was it you enrolled Judge? A Well, I think old man Buckholts himself happened to be up there and I think I enrolled him up there. I remember John Null was at Tishomingo and I don't remember exactly where he enrolled. I think we enrolled some of the Buckholts people up there.
Q Do you know Frank Plato? A Yes sir, we enrolled them.
Q And W. D. Bailey? A Yes sir.
Q You were acquainted with the condition of their citizenship? at the time, were you not? A Not particularly but I had a copy of the 1893 pay roll. And I noticed they had all drawn their money.
Q Now Judge, are you acq uainted with the different provisions of the Choctaw laws in regard to the admission of persons to citizen ship? A Yes sir, pretty well.
Q was there any law of the Choctaw Nation prior to this act conferring jurisdiction upon the Supreme Court of the Choctaw Nation in 1872 requiring persons to prove up citizenship or to be admitted by any act in order to enjoy the privileges of Choctaws? A I don't remember that I ever saw that law. I was just looking over it a moment ago. I don't think I ever saw the law but is was passed some time about seventy one or two.
Q was there any law prior ot that time? A No sir, there was no law requiring Choctaws who come here and come from Mississippi to preve up their right. They just come here and settled down as there were old people enough to identify them at that time.
Q Then Choctaws coming here and identified by Choctaws who were here would be recognized by the Choctaw authorities and treated as members of the Nation? A Yes sir.
Q There are a great many of the Choctaws that came here. A I know of two families down by Skullyville since the war I know neverwas admitted.
Q What are their names? A Wadkins, married Campbell Leflores sister, and his family. Puryea and Captain Reynolds and his family.
Q Who composed the revisory board at Tushkahoma when you made up the roll? A Alexander Durant was Chairman, myself and Ben Wadkins. That is the 1896 roll.
Q Do you know who composed the revisory board when the roll for the payment of the Leased District money was made? A The Governor and his cabinet, whoever they were at that time
Q Do you remember their names? A Governor Jones, William W. Nelson was treasurer, Jacob Jackson Secretary.
Q Who was National Attorney? A I believe I am mistaken about the treasurer. I expect McCurtain was the treasurer. I am not certain. They changed hands about that time. Nation Attorneys

I don't remember who that was.

Q And they were supposed to take off the names of all those who were not recognized citizens were they? A Yes sir.

Q And recognized by blood? A Yes sir. Besides that there were a great many that had got left over and did not get enrolled and they went down there and was enrolled by that board.

Q Are the Commissioners appointed by the Choctaw Nation objecting to the enrollment of these descendants of Buckholts, Jones and Null? A No sir.

Q They are willing that they should be enrolled? A We raised no objection. Well, there might have been some of the Commissioners up in the Chickasaw Nation. There was objection raised up there by some of the Commissioners. I don't know.

Q In your opinion and being acquainted with the laws and customs of the Choctaws are you, or would you say, that they are recognized citizens of the Choctaw Nation or not? A They have always been. The first time I got acquainted I met some on the jury, Judge Vincent was Judge and he got crippled and I come down here to hold court for him. I found them on the jury. I asked who they were and they said Choctaws who had been admitted.

Q Knowing the case as you now know it, what would be your opinion as to their being recognized citizens? A I would not like to give my opinion. The Dawes Commission is settling that.

CROSS EXAMINATION BY MR. CORNISH.

Q These two families you speak of as being recognized with an act of the Choctaw Council, is it not a fact that they come direct from Mississippi to the Choctaw Nation? A Yes sir.

Q Came direct from the old Choctaw Nation to this country?

A Yes sir.

Q These Buckholts people; where did they come from? A I don't know, I wasn't acquainted with them until 1896.

Q Is it your unde standing they come from Texas here? A I h ave heard some of the witnesses state that.

WILLIAM BUCKHOLTS being recalled testified as follows:

Q You state you moved from Texas to the Indian Territory? A Yes sir.

Q How long had you lived in the state of Texas before removing to the Indian Territory? A Twenty-one years.

Q Where did you live? A Smith County.

Q Did you own a farm there? A Yes sir.

Q What property did you own in Texas? A One hundred and eighty some odd acres in one tract of land and over two hundred in another.

Q That was in Texas? A Yes sir.

Q Well go ahead. A I had some niggers before they were set free

Q You voted in the state elections, state and national elections? A Yes sir.

Q You were a citizen of the state of Texas? A Yes sir.

Q Did you ever run for office? A No sir.

Q nenver held office? A No sir.
Q How long did Mr. Jones live in Texas, Mr. R. T. Jones?
A I don't know sir.
Q What is your understanding about it? A He claimed that he come there in fifty four or five.
Q In fifty four or five and lived there until 1872? A Yes sir.
Q All right. He lived there a great many years then? A Ys sir.
Q Did he own property in the state of Texas? A Yes sir he owned some land.
Q Did he vote in the state and national elections in the state of Texas? A I suppose he did. But I don't remember that I ever saw him vote.
Q You never saw him vote? A I don't know as I did.
Q How long had Mr. Null lived in Texas? A He moved there when I did.
Q And left there when you left? A Yes sir.
Q Did he own property in the state of Texas? A Yes sir.
Q Did he own land? A Yes sir.
Q And other property? A Yes sir.
Q Did he vote in the state and National elections? A Yes sir.
Q He was a citizen of the state of Texas and recognized as such? A Yes sir.
Q Where did you come from to Texas? A Missisippi.
Q When did you leave Missisippi? A I left Mississippi in the fall of 1850.
Q How long had you lived in Missisippi, Mr. Buckholts?
A I lived in Mississippi about eight years.
Q About eight years? A Yes sir.
Q Where did you come from to the state of Mississippi? A Well let me go back and start and come forward.
Q Well. A I was born in Emit County, Mississippi, near the Louisiana line and when I was about six years old my parents moved to the old Choctaw Nation which is now Sumpter County. Lived there until I was twenty four years old. Started to Texas and stopped in Louisiana.
Q How long did you live in Louisiana? A From the first of May to the first of November when I ome back to Mississippi and stayed there eight years and then I started to Texas again.
Q You say you were born in Missisippi? A Yes sir.
Q How, did your father move out of Mississippi? A Tes sir.
Q Where did he move to? A To the Choctaw Nation.
Q From this country where you were born up to the Choctaw Nation? A Oh, no, he moved from Emit County to the old Choctaw Nation.
Q And you lived there until you were how old? A Twenty four.
Q Now you and Mr. Null and Mr. Jones lived in the State of Texas many years before moving to the Indian Territory?
A Yes sir.
Q Owned property there and voted there? A Yes sir.
Q And were citizens of the state of Texas? A Yes sir.
Q How did you come to move to the Indian Territory? A Well, I can give you the history of it if you want it. When the niggers were set free I knew that I could not furnish homesteads for all my children, and I just told them, I had been up here about '57,

1857, I had been up here and I told them, says I, I have plenty of relatives there and I know I can prove it and if you will just all agree we will pull up and sell out and you can get homes for your selves.

Q Then you came here to get homes for yourself and family?
A I came here because I knew I was a Choctaw.
Q You come here to get homes for yourself and family? A Yes sir, of course.

REDIRECT EXAMINATION BY MR. RALLS.

Q Then did you all sell out in Texas and come over here?
A Yes sir.
Q Did these witnesses that you had before the court know you when you were in Mississippi? A Yes sir.
Q They knew that you had come from Mississippi? A Yes sir, they knew me in Alabama.
Q What family of the Choctaws did you come from? A Zadoc Brasheers.

By Mr. Telle.
Q That Sumpter County you spoke of is in Mississippi or Alabama? A Alabama.
Q The State lines have been made since that time have they?
A Yes sir, a little of the old nation run into Alabama and it was in Sumpter County.

RE CROSS EXAMINATION BY MR. CORNISH.

Q This county in which you were born was not in the old Choctaw Nation in Mississippi? A Oh up next the Louisiana line.
Q And after you were born your father with you moved into the old Choctaw Nation? A Yes sir.

Myra Young, having been first duly sworn states that as stenographer to the Five Civilized Tribes, she reported in full all proceedings had in the above cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 25th day of January, 1901.

Guy L.V. Emerson,
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF JAMES M. BUCKHOLTS ET AL TO BE ENROLLED AS MEMBERS OF THE CHOCTAW NATION:

The deposition of Joel Everidge taken at the residence of Joel Everidge about nine miles east of the town of Grant, in the Central District of the Indian Territory, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon on the 8th day of January A.D.1901, to be used as evidence in behalf of the above named applicants and all the descendents of William Buckholts, John Null and R.T.Jones and in behalf of all persons having married any of such descendants, pending before the Commission to the Five Civilized Tribes.

Joel Everidge after being duly sworn deposes and says: I am 72 years old, a citizen of the Choctaw Nation by blood and a resident of Kiamitia County, Choctaw Nation. I am one of the Supreme Judges of the Choctaw Nation. I was first elected to the office in the year 1868 and have served in that capacity every years since that year with the exception of four years during which time Judge J.R.Turnbull served. I was on the bench when the application for citizenship in this nation was presented by William Buckholts, R.T.Jones and John Null. The Court took up the case and examined the witnesses thoroughly. The witnesses were all Choctaws by blood and perfectly reliable. The Court being satisfied that Wm.Buckholts was a Choctaw by blood and that R.T.Jones was entitled to inter-married rights by virtue of his marriage to the daughter of Wm.Buckholts and that John Null was entitled to inter-married rights by virtue of his marriage with a sister of the said William Buckholts, rendered a decision in their favor naming only the heads of families. This was the first case of this kind ever passed on by the Court. At that time it was not considered necessary that the Children should be named. I remember that William Buckholts asked if it was necessary to name the children and the Chief Justice I.L.Garvin informed him that if the parents were Choctaws the children certainly were Choctaws. This case was decided under authority conferred on the Court by an Act of the General Council passed in 1872. Previous to this act there was no law of the Choctaw Nation requiring persons to prove up their citizenship. Citizenship at that day and time was not considered as being of the value that was placed on it in after years and at the present time. Even to this day there is no law specifically requiring the children to be named but the practice of late years by the Citizenship Committees of Council has been to have them named, owing to the great number of applicants, for its information.

JOEL EVERIDGE.

United States of America,
Indian Territory.

I, William Beadles, a Notary Public within and for the Central District of the Indian Territory, do hereby certify that the foregoing deposition of Joel Everidge, was taken before me and was read to and subscribed by him in my presence, at the time and place and in the action mentioned in the caption. The said Joel Everidge having been first sworn by me, that the evidence he should give in the matter should be the truth, the whole truth and nothing but the truth: I further certify that his statements were reduced to writing in his presence, the applicants not being present in person and being represented by A. Tolla one of their attorneys and the Choctaw and Chickasaw Nations not being represented by their attorneys although properly served with a notice as evidenced by the return hereto attached.

Given under my hand and official seal at the above named place within the Central District of the Indian Territory this the 8th day of January A.D.1901.

(SEAL)

WM. BEADLES
Notary Public.

NOTICE TO COMMENCE TO TAKE CERTAIN TESTIMONY.

In the matter of the Application of
James E.Rockwell et al, to be Enrolled
as members of the Choctaw Nation.

Notice to take Depositions.

To Mansfield, McMurry and Cornish, Attorneys for the Choctaw and Chickasaw Nations:

You are hereby notified that the applicants, James E.Rockwell, et al, will take the deposition of Felix Joel Beveridge at the residence of the said Felix Joel Beveridge about eight miles south of Stuart in the Central District of the Indian Territory, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon on the eighth day of January, A.D.1900, the said deposition then taken to be used before the Commission to the Five Civilized Tribes by the said applicants in their application to be enrolled as members of the Choctaw Nation and to be used in behalf of all of the descendants of William Rockwell, E.T.Jones and John Bell, and in behalf of all persons claiming to be enrolled as intermarried citizens who have married any of said descendants. And if the taking of said deposition be not completed on the said day, the taking thereof will be continued from day to day at the same place and between the same hours until completed.

E.C.REECE,
REECE & CHAMBERS
Attorneys for Applicants.

United States of America,
Indian Territory, ss
Central District.

I, Jasper D. Grady United States Marshal for the Central District of the Indian Territory do hereby certify that I received the above and foregoing notice at the hour of 8.30 o'clock A.M. on the 24th day of December, 1899, and that I served the same at the hour of 4.30 o'clock P.M. in the town of South McAlester in said district and Territory, by delivering a true copy thereof to Sullivan Cornish, a member of the law firm of Mansfield, McMurry & Cornish.

Witness my hand this the 26th day of December, 1899.

J. D. GRADY,
U.S.Marshal, as aforesaid
By Robt.Hartman, Deputy.

Fee for serving 28 cts.
Paid by E.C.Reece,
J.D.Grady,
U.S.Marshal.

United States of American,
Indian Territory,
Central District.

I, WM. BEARDEN, a Notary Public within and for the Central District of the Indian Territory, with office at Grant, I.T., do hereby certify that the above and foregoing is a true and correct copy of the deposition of Joel Everidge taken before me on the 8th day of January, A.D.1901, and that the copy of the notice thereto attached is a true and correct copy of the original notice attched to said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal as such Notary Public aforesaid, at Grant, in said district and Territory this 9th Day of February, A D.1901.

Wm Bearden
Notary Public Aforesaid.

IN THE MATTER OF THE CLAIM OF John C. Buckholtz.

for citizenship in the Choctaw Nation.

Now comes the Choctaw Nation by its lawful attorneys and says:

FIRST. That this Honorable Commission has no power and jurisdiction to hear and determine the issues herein involved because the law creating such commission is unconsitutional and void.

SECOND. The Choctaw Nation enters its protest against the hearing of this cause because the methods of procedure adopted by thjs Commission are unjust, unfair and productive of great fraud and wrong and the form and method of trial prescribed by said Commission are contrary to the Constitution and laws of the United States.

THIRD. The Choctaw Nation protests against a hearing and determination of this cause for the reason that the time prescribed by said Commission within which this Nation must answer and adduce its proof is so limited as to amount to a denial of justice.

FOURTH. The Choctaw Nation further says that this Commission ought not to entertain this cause for the reason that it does not appear that the applicant herein has applied for citizenship to the legally constituted tribunal designated by the Choctaw Nation for the trial of questions of disputed citizenship.

FIFTH. Defendant says that the evidence adduced by the claimant in this case is not sufficient to establish his citizenship in the Choctaw Nation.

SIXTH. Defendant says that this Commission has no power to enroll the applicant herein because it appears that said applicant claims to be a citizen of the Choctaw Nation by intermarriage and it does not appear that his rights as such intermarried citizen have been disputed by the Choctaw Nation.

SEVENTH. Defendant says that the applicant herein should not be enrolled because he has not shown by his evidence that he has not forfeited his rights as such citizen by abandonment or remarriage.

EIGHTH. And not waiving the defenses heretofore set out, defendant for further answer herein says:

No application and no evidence has been served on the Choctaw Nation.

John C. Buckholtz.

The Choctaw Nation

By Edward Gordon & Hailey

Its Attorneys.

all NW ¼

MEMORANDA.

3-4

(Date) Aug 24 1899.

Name J. M. Buckholts

Choctaw ? yes County Blue Year 96 No. 1536

Chickasaw ? County Year Page 38

Citizen by blood ? yes Mother's citizenship Ms

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name, ~~Jennie Buckholts~~

Choctaw ? yes ~~County~~ ~~Year 96~~ ~~No. 14338~~

Chickasaw ? County Year ~~Page 382~~

Citizen by blood ? Mother's citizenship ~~Ms~~

Intermarried citizen ? yes

Married under what law ? Texas

License filed this day yes

Names of children:

Rosa Buckholts	County Blue	Year 96	Page 38	No. 1537
½ Choctaw	County "	Year "	Page "	No. 1538
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

#1 not admitted with his father Melvin Buckholts Dot 18 12

#1 As to enrollment see his testimony

D 357

Muscogee, Indian Territory,

August 18th, 1900.

James Buckholts,

Boggy Depot, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Rebecca, and Allie Buckholts, as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-357.

Muskogee, Indian Territory, September 18, 1900.

James Buckholts,

Boggy Depot, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest to your enrollment is, that you have never been admitted by the Choctaw Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901. and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-557

Muskogee, Indian Territory, May 31, 1900.

Mr. J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 28th, in which you state that you have been requested by Mr. William Buckholts and others to inquire whether or not the enrollment of James M. Buckholts and family is denied; also as to whether or not the enrollment of R. T. Jones and family is denied.

You are informed that the records of the Commission show that James M. Buckholts, fifty four years of age, of Boggy Depot, together with his two daughters, Rebecca, age twenty four, and Allie age twenty two, were duly listed for enrollment by this Commission as doubtful claimants to enrollment in the Choctaw Nation August 24th, 1899, James M. Buckholts not having been admitted as a Choctaw, with his father, William Buckholts, in October, 1872. The Commission has not yet passed upon the doubtful claimants to enrollment in the Choctaw Nation, but contemplates doing so in the near future. Until then there can be no definite decision rendered in the case.

As to the names of R. T. Jones and one Null, the Commission is unable to identify these parties as being listed for enrollment by the meagre information in your letter. If you desire to be further

informed regarding the rights to enrollment of these parties, you are requested to state where and when they appeared as applicants, their full names and ages, the names of other members of their families, and any other information that may lead to their identification. Upon receipt of such information, the matter will receive further consideration.

Yours truly,

Acting Chairman.

In reply to this letter,
please refer to 7-D 357

Muskogee, Indian Territory, May 28, 1901.

Mr. J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th of April in which you desire a copy of the record in the matter of the application for enrollment as citizens of the Choctaw nation of James M. Buckholts et. al.

Replying to your request there is enclosed you herewith a copy of all the testimony and exhibits filed with the Commission in this case. Please sign and return the enclosed receipt.

Yours truly,

Acting Chairman.

7-D-357
Enc 8

Choctaw D 857

Muskogee, Indian Territory June 5, 1903.

James Buckholts,

Wayne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 25, in which you ask the status of your enrollment and desire to be informed if a certain man, who is claiming the land upon which you have improvements, can take the same from you by filing first.

In reply to your letter you are informed that it appears from our records that you have been listed among the doubtful claimants for enrollment as a citizen by blood of the Choctaw Nation and your final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

You are informed however that if you will forward a description of the land which you desire to select in allotment proper notation will be made thereof upon our records and you will be notified in the event any other citizen makes application for the land or any portion of it and you will be permitted to institute contest proceedings for its possession.

Respectfully,

Commissioner in Charge.

7-D-367

Muskogee, Indian Territory, July 7, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 1st, in which you request that early action be taken in the matter of the application of James M. Buckholts, et al.

In reply to your letter you are informed that the Commission is now considering the application for enrollment in the Choctaw Nation of James M. Buckholts, et al. and as soon as a decision is reached you will be notified of the action taken in this matter.

Respectfully,

Commissioner in Charge.

7-D-357

Muskogee, Indian Territory, July 29, 1903.

H. H. Berry,

Wayne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 24, asking if J. M. Buckholts is entitled to enrollment.

In reply to your letter you are informed that it appears from our records that on July 20, 1903, the Commission rendered its decision, granting the application of James M. Buckholts for the enrollment of himself and his children, Rebecca Buckholts and Allie Dwight as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.	Time Filed	Check
		Government Collect/

SEND the following message subject to the terms on back hereof, which are hereby agreed to.

Muskogee, Indian Territory, August 6, 1903.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory,

Is it your intention to protest to the action of Commission in enrolling James M. Buckholts, copy of decision in which case was forwarded July twentieth?

Needles,

C.B.C.R. Commissioner in Charge.

READ THE NOTICE AND AGREEMENT ON BACK.

Muskogee, Indian Territory, August 12, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw nations,

South McAlester, Indian Territory,

Gentlemen:

Referring to your telegram of August 6, 1903, relative to your intention to press the protest to the action of the Commission in enrolling James M. Buckholts, et al. as citizens of the Choctaw Nation, which protest you say was mailed July 31, 1903, you are informed that it does not appear from our records that any formal protest to the action of the Commission has been received in this case.

You are therefore requested to furnish a copy of your protest in the matter of the enrollment of James M. Buckholts, Rebecca Buckholts and Allie Dwight as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-D 257

Muskogee, Indian Territory, October 31, 1903.

James Buckholts,

Wayne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 22, in which you state that you have received a copy of the Commission's decision in your citizenship case, and you ask to be informed if the attorneys for the Choctaw and Chickasaw Nations have, within the fifteen days allowed for that purpose filed a protest to your enrollment, and whether or not your name has been sent to the Secretary of the Interior for approval.

In reply to your letter you are informed that it appears from our records that the attorneys for the Choctaw and Chickasaw Nations, on August 17, 1902, filed a protest to the action of the Commission in enrolling James M. Buckholts and his children, Rebecca Buckholts and Allie Dwight, as citizens by blood of the Choctaw Nation and on August 22, 1903, the original record, together with said protest, was forwarded the Secretary of the Interior.

The Commission has not yet been informed of Departmental action in this case.

Respectfully,

Commissioner in Charge.

7-D 387

Muskogee, Indian Territory, November 10, 1903.

James M. Buckholts,

Wayne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 2, in which you state that you have received no reply to your last letter requesting the status of your enrollment.

In reply to your letter you are informed that on October 31, 1903, you were advised that the attorneys for the Choctaw and Chickasaw Nations having filed protest to the action of the Commission in enrolling you and your children as citizens by blood of the Choctaw Nation, on August 22, 1903, the record in this case, together with such protest, was forwarded to the Secretary of the Interior. The Commission has not yet been advised of Departmental action in the case.

Respectfully,

Chairman.

Choctaw D357
Choctaw 3854

Muskogee, Indian Territory, December 1, 1903.

James M. Buckholts,

Wayne, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 24, in which you state that persons are filing on land claimed by you, and you do not know what action to take in the matter as you are uncertain as to the decision in your case. You also ask if the enrollment of your father has been approved, and if you will be notified at once when action is taken in your case.

In reply to your letter you are informed that on August 17, 1903, the original record in the matter of your application for the enrollment of yourself and your children, together with the decision of the Commission enrolling the applicants therein named and the protest of the attorneys for the Choctaw and Chickasaw Nations, was forwarded the Secretary of the Interior. The Commission has not yet been notified of any departmental action in this case, but you will be advised of the action taken by the Secretary of the Interior as soon as the Commission is informed of the same.

The application of your father, William Buckholts, for enrollment in the Choctaw Nation, has not yet been passed upon. As soon as a decision is rendered in his case he will be notified thereof.

J M B 2

You are informed that if other persons are filing on the lands claimed by you as your prospective allotment, you will be permitted to make application therefor, and institute contest proceedings upon your personal appearance at the land office for the nation in which the land is located.

Respectfully,

Chairman.

Choctaw 5738

Muskogee, Indian Territory, March 8, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 2, requesting that James Buckholts and his family be enrolled as speedily as possible in order that they may make selection of their allotments and thus avoid the trouble and expense of instituting contests against other citizens who are filing on their lands.

In reply to your letter you are advised that the names of James M. Buckholts and his daughters, Rebecca Buckholts and Allie Dwight are being placed upon a schedule of Choctaw citizens by blood, prepared for forwarding to the Secretary of the Interior. The other members of the Buckholts family will be enrolled as speedily as practicable.

Respectfully,

Commissioner in Charge.

Choctaw 3738

Muskogee, Indian Territory, March 26, 1904.

James Buckholts,

Wayne, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 17, asking if your name has been approved by the Secretary of the Interior, and in reply you are advised that your name has been placed upon a schedule of citizens by blood of the Choctaw nation which is being prepared for forwarding to the Secretary of the Interior. It is suggested that you communicate with the Commission again in about sixty days, at which time you will be advised whether or not your enrollment has been approved by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw R 47

Muskogee, Indian Territory, May 1, 1902.

James M. Buckholts,

Boggy Depot, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your wife as a citizen by intermarriage of the Choctaw Nation, it appears from our records that at Caddo, Indian Territory, at a session of the Commission August 21st to August 25th, 1899, you personally appeared before the Commission and made application for the enrollment of your wife as a citizen by intermarriage of the Choctaw Nation.

There is not in our possession any record of your marriage to your wife nor was her name given at the time the application was made by you nor have we any information upon which an intelligent decision could be rendered relative to the rights of your wife to enrollment as an intermarried citizen of the Choctaw Nation.

You are therefore advised that if your wife still claims a right to enrollment as a citizen by intermarriage of the Choctaw Nation, that it would be advisable for her to present herself in person before the Commission at its office at Muskogee, Indian

J M E 2

Territory, for the purpose of examination under oath so that a sufficient record can be made upon which her rights to enrollment as a citizen by intermarriage of the Choctaw Nation may be determined, and at the same time the Commission will accept for its consideration such evidence of her marriage to a recognized and enrolled citizen of the Choctaw Nation, as she may offer.

In view of the probability of some early date being fixed or agreed upon terminating the time within which the Commission can receive and consider applications of this character, it would be advisable that your wife make this application at as early a date as practicable.

Yours truly,

Commissioner in Charge.

7 - D 724

Muskogee, Indian Territory, September 9, 1903.

James Buckholts,

Wayne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd inst. requesting to be advised relative to the status of your wife, Jeanetta Buckholts, as an intermarried citizen of the Choctaw Nation.

You are informed it appears from our records that on May 19, 1902, Jeanetta H. Buckholts was listed as a doubtful claimant to enrollment as an intermarried citizen of the Choctaw Nation.

No decision relative to her final right to enrollment has been rendered by the Commission. As soon as a decision is reached in her case she will be notified of the action of the Commission.

Respectfully,

Chairman.

Choctaw D 724

Muskogee, Indian Territory, March 16, 1904.

J. C. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 10, asking the status of the claim of Janetta H. Buckholts, wife of James M. Buckholts, for enrollment as an intermarried citizen of the Choctaw Nation, and asking to be advised if further evidence is necessary, in order that you may place the case in a condition for early decision.

In reply to your letter you are advised that in the event further evidence is necessary to enable the Commission to pass upon the rights of the applicant, Jeanetta H. Buckholts, as an intermarried citizen of the Choctaw Nation, you will be duly advised.

Respectfully,

Commissioner in Charge.

7-D-784

Muskogee, Indian Territory, December 16, 1904.

J. T. Ralls,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 10, 1904, asking if a decision has been reached in the matter of the application of Janetta M. Buckholts, wife of James M. Buckholts, for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Janetta M. Buckholts for enrollment as an intermarried citizen of the Chickasaw Nation.

It appears from our records that she made application to this Commission in 1896 for intermarried citizenship in the Choctaw Nation, and her application was denied by the Commission, from which no appeal was taken to the United States Court in Indian Territory, within the time provided by the Act of Congress approved June 10, 1896 above referred to.

Respectfully,

7-D-724

Muskogee, Indian Territory, February 9, 1905.

James Buckholts,

Wayne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 3, 1905, in which you ask what action will be taken in the matter of the application of your wife for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission is taking up for consideration and determination as rapidly as practicable all applications for enrollment of intermarried citizens of the Choctaw and Chickasaw Nations and as soon as a decision is reached in the matter of the application of Jenetta A. Buckholts for enrollment as an intermarried citizen of the Choctaw Nation, you will be duly notified.

Respectfully,

Chairman.

7 D 724

Muskogee, Indian Territory, June 10, 1905.

James M. Buckholts,

Wayne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 3, 1905, asking the status of your wife's application for enrollment.

In reply to your letter you are advised that the Commission has not yet passed upon the application for the enrollment of your wife Jeanetta A. Buckholts as an intermarried citizen of the Choctaw Nation, but is now taking up for consideration and determination as rapidly as practicable all cases pending before it and as soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw D 724

Muskogee, Indian Territory, October 5, 1903.

James Buckholts,

Wayne, Indian Territory,

Dear Sir:

Replying to your letter of October 2, relative to the enrollment of your wife, Jenetta H. Buckholts, as an intermarried citizen of the Choctaw Nation, you are advised that no decision has yet been reached in this case, but you will be notified of such further action as may be taken.

Respectfully,

Commissioner.

Muskogee, Indian Territory, December 13, 1905.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 7, 1905, transmitting application of Jeannetta H. Buckholts to institute contest proceedings against Cyril Gabbert together with complaint in contest and testimony relative to citizenship of the contestant.

In connection with this matter you are advised that the name of Jeanetta H. Buckholts is found on Choctaw roll card D 724 and the application for her enrollment as an intermarried citizen of the Choctaw Nation has not yet been passed upon by this office and she was not a party litigant before the Choctaw-Chickasaw Citizenship Court. Her case therefore comes under the second class referred to in office letter of November 10, 1905, as follows:

> "In the cases where the name of the contestant appears upon the records of your office as an enrolled citizen or freedman of either of the nations, or an identified Mississippi Choctaw, or an undetermined applicant for enrollment, you will be governed by the instructions contained in general office letter of November 9, 1905."

and her application to institute contest does not come within the third class referred to in said letter.

C. C. Chickasaw Land Office.

The application to institute contest is herewith returned and you are directed to proceed as instructed in office letter of November 9, 1905, in cases coming within the second class referred to in office letter of November 10, 1905.

Respectfully,

Commissioner.

EB 1-12.

7-D-724

Muskogee, Indian Territory, December 20, 1905.

Samuel A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 16, 1905, asking if the case of Jennetta H. Buckholts an intermarried Choctaw is held pending the introduction of further evidence; you also ask that your name be entered as attorney of record in this case.

In reply to your letter you are advised that the application of Jeanetta H. Buckholts for enrollment as an intermarried citizen of the Choctaw Nation is now receiving consideration and in event further evidence is necessary to enable this office to determine her right to enrollment you will be duly advised.

You will be notified of such action as is taken in this case.

Respectfully,

Commissioner.

COPY.

7-D-724.

Muskogee, Indian Territory, December 27, 1905.

J. G. Ralls,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 27, 1905, rendered his decision granting the application for the enrollment of Jeanetta H. Buckholts as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.

COPY.

7-D-724.

Muskogee, Indian Territory, December 27, 1905.

Jeanetta H. Buckholts,

Wayne, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 27, 1905, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, your name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Commissioner.

Registered.
Incl. 7-D-724.

7-D-724.

COPY.

Muskogee, Indian Territory, December 27, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 27, 1905, granting the application for the enrollment of Jeanetta H. Buckholts as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of said time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
Incl. 7-D-724.

COPY.

7-D-724.

Muskogee, Indian Territory, December 27, 1905.

S. A. Apple,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 27, 1905, rendered his decision granting the application for the enrollment of Jessantta H. Buckholts as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for approval.

Respectfully,

Commissioner.

Registered.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C.19736.
I.T.D. 7794-1907.
L.R.S.
E.L.C.

J.P.
E.M.B.

March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In answer to Departmental telegram of February 23, 1907, and letter of the same date, you reported in letter of February 27, 1907, after inspection of the partial rolls of the Choctaw and Chickasaw Nations, prepared under the act of June 28, 1898 (30 Stat., 495), and subsequent legislation, the persons whose names have been placed on such partial rolls, in your opinion, contrary to the views expressed in the Attorney-General's opinion of February 19, 1907, in the case of Myrtle Randolph and others, copy of which was transmitted to you with letter of February 23, 1907, and which names you recommend be stricken from the partial rolls, opposite the numbers mentioned by you.

Your list is as follows:

CHOCTAWS BY BLOOD AND INTERMARRIAGE.

Charley S. Vincent, opposite No. 1468, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1898 in case No. 251; no appeal. Patents recorded.

John Calvin Gray, opposite No. 1518, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 90, and denied by the United States court for the central district of Indian Territory on appeal; no appeal to the Choctaw and Chickasaw Citizenship Court.

Daisy Shelton, Frank Shelton, Emma Shelton, opposite Nos. 15951, 15952, 15953, respectively, upon the final roll of citizens by blood of the Choctaw Nation . All denied by Commission in 1896 in case No. 1407; admitted by United States court for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents for No. 15951 recorded.

John Shelton, opposite No. 1495, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1407; admitted by United States court for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Jacob D. Sumpter, opposite No. 1469, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1073; no appeal. Patents recorded.

John Sumpter, Amanda Isabella Sumpter, Jim Andy Sumpter, and Scott Taylor Sumpter, opposite Nos. 15645, 15646, 15647, and

15648, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1073; no appeal. Patents for No. 15648 recorded; homestead patent for No. 15647 recorded.

Dixon D. Sumpter, opposite No. 15649, upon the final roll of citizens by blood of the Choctaw Nation. Son of Nancy Sumpter, deceased, who was denied by Commission in 1896 in case No. 1073, and no appeal. Born in 1897.

Mattie S. Mitchell, opposite No. 1519, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1299; no appeal.

Georgia Hyden, opposite No. 1601, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1344; admitted by United States court for the central district of Indian Territory; denied by the Choctaw and Chickasaw Citizenship Court. Decision of Commissioner of October 1, 1906, granting enrollment affirmed by Department November 17, 1906 (I.T.D.22524-1906).

Eva Marguerite Hyden, opposite No. 16102, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1344; admitted by United States court for central district of Indian Territory; denied by Choctaw and Chickasaw Citizenship Court. Application for enrollment granted by

Commissioner October 1, 1906; affirmed by Department November 17, 1906 (I. T.D. 22524-1906).

J. W. Kirk, opposite No. 1899, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 948; appeal to United States district court dismissed.

Sarah Kirk and Gabriella Kirk, opposite Nos. 15893 and 15894, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 948; appeal to United States district court dismissed. Patents recorded.

William J. Crowder, Abigail Crowder, Maggie Crowder, Rosa Crowder, William H. Crowder, and John F. Crowder, opposite Nos. 15899, 15900, 15901, 15902, 15903, and 15904, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by the Commission in 1896 in case No. 760; no appeal. Patents for No. 15899 recorded.

Winnie Gertrude Crowder, born June 6, 1901, opposite No. 15905 upon the final roll of citizens by blood of the Choctaw Nation. Daughter of William J. Crowder, who was denied by Commission in 1896 in case No. 760; no appeal.

Josephine Crowder, opposite No. 1523, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 763; no appeal. Wife of William J. Crowder opposite No. 15899.

George W. Crowder, Louisa Crowder, Joe Crowder and Belsora Crowder, opposite Nos. 15906, 15907, 15908 and 15909, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 712; no appeal. Patents for Nos. 15906, 15907 and 15908 recorded.

Willie Crowder, born October 16, 1896, opposite No. 15910, upon the final roll of citizens by blood of the Choctaw Nation. Son of George W. Crowder, who was deniedby Commission in 1896 in case No. 712; no appeal. Patents recorded.

Parlee C. Crowder, opposite No. 1524; upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 699; no appeal.

Van Crowder, opposite No. 15911, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 749; no appeal. Patents recorded.

Ambrose L. Rice, opposite No. 1400; upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 662; no appeal. Patents recorded.

Betsy Wright, Thomas R. Wright, opposite Nos. 15914 and 15915, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 807; no appeal. Patents recorded.

Mary M. Wright and Lenard Paloo Wright (both born since 1896), opposite Nos. 15914 and 15915, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Children of Betsy Wright, who was denied by Commission in 1896 in case No. 807; no appeal. Patents recorded.

Andrew J. Allen, opposite No. 1626, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 466; admitted by United States Court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

Elizabeth Allen, opposite No. 16103, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 466; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

William M. Tucker, opposite No. 1470, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 783; admitted by United States

court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Arthur Jennings and Clyde Jennings, opposite Nos. 15972 and 15973, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1048; admitted by United States court for Southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

William Reichert, opposite No. 1491, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1117; no appeal. Patents recorded.

Ella Reding, opposite No. 1490, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1243; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Ardella Ritter, opposite No. 15916, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1243; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Angeline White, opposite No. 1493, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Com-

mission in 1896 in case No. 960; no appeal. Enrollment ordered by Department February 3, 1905 (I. T. D. 1130-1905).

David Ritter, opposite No. 16104, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; denied by Commission in 1896 in case No. 1107; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Ida Crutchfield, Ema Crutchfield, Lewvinia Crutchfield, William Crutchfield, and Leutitia Crutchfield, opposite Nos. 16105, 16107, 16108, 16109 and 16110, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 488; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Everet Crutchfield, opposite No. 16106, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897, and son of Ida Crutchfield, above mentioned. Was not before the Commission in 1896, and possesses no tribal status.

George W. Crutchfield, opposite No. 16111, upon the final

roll of citizens by blood of the Choctaw Nation. Born since 1896 and child of Ida Crutchfield, opposite No. 16105.

James T. Leard, opposite No. 1625, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1225; admitted by United States court for the central district of Indian Territory; denied by the Choctaw and Chickasaw Citizenship Court.

Robert L. Rabon, opposite No. 1696, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1017; no appeal. Patents recorded.

Sarah Merryman, opposite No. 1405, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 345; no appeal.

Millie F. Beagles, opposite No. 13017, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 11; no appeal. Patents recorded.

August Klugh, opposite No. 290, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 223; no appeal. Patents recorded.

Henry Pebworth, opposite No. 9280, upon the final roll

of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1376; no appeal. Patents recorded.

Mary M. Bowling, opposite No. 1408, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1213; no appeal. Patents recorded.

Alice M. James, Maggie M. James, Willis M. James, Analeucia James and Evaleua James, opposite Nos. 15449, 15451, 15452, 15453, and 15454, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1033; no appeal. Patents for Nos. 15449, 15451, 15453, and 15454 recorded.

Chester C. Atwood, opposite No. 1409, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1127; no appeal. Patents recorded.

William B. Paxton, opposite No. 1410, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 862; no appeal. Patents recorded.

Charles A. Woodward, opposite Nos. 662, upon the final

roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 829; denied by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Homestead patent recorded.

Frederick R. Robinson, opposite No. 1531, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 675; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Virginia P. Mitchell, opposite No. 1215, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 339; no appeal. Patents recorded.

Andrew Neal, opposite No. 1473, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 77; no appeal.

Benjamin B. Gunter, opposite No. 1216, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 267; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Calvin Q. Harris, opposite No. 1328, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 423; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Homestead patent recorded.

Lydia Ann Crowder, opposite No. 1412, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. [illegible]; no appeal.

Madell McClure, opposite No. 1414, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1326; no appeal.

Mary E. Robinson, and Mary A. Trice, opposite Nos. 15886 and 15887, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 891; no appeal. Patents for No. 15886 recorded.

Lucy McMurtry, opposite No. 1407, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1324; no appeal.

Eli W. Crowder, James Crowder, Katie B. Crowder and Pinkie B. Crowder, opposite Nos. 15921, 15922, 15923, and 15924, respectively, upon the final roll of citizens by blood of the Choctaw nation. Denied by Commission in 1896 in case No. 782; no appeal.

John A. Crowder, opposite No. 15925, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897, and son of Eli W. Crowder, opposite No. 15921. Patents recorded.

Henry Sutherland, opposite No. 668, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1381; no appeal. Patents recorded.

Robert A. Travis, opposite No. 340, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 438; no appeal.

Mary Moran, opposite No. 1416, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 356; no appeal. Patents recorded.

George W. Roberts, opposite No. 1239, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 630; denied by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Vicey Lewis, opposite No. 1476, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1239; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Ira L. Smith, opposite No. 1127; upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 790; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Mattie Vreeny, opposite No. 1421, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 468; no appeal. Patents recorded.

Rosa M. Rigney, opposite No. 1478, upon the final roll ofcitizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 708; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Josiah T. Marshal, opposite No. 1341, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 372; denied by United States court for the central district of Indian Territory; appeal to Choctaw and Chickasaw Citizenship Court dismissed on May 4, 1903, on general demurrer, in case No. 3 upon the McAlester docket.

Fannie Shults, opposite No. 1423, upon the final roll of citizens by intermarriageof the Choctaw Nation. Denied by Commission in 1896 in case No. 1067; no appeal. Patents recorded.

Hattie A. Perkins, opposite No. 1027, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 554; no appeal. Patents recoded.

John T. Staton, opposite No. 1423, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1072; no appeal. Patents recorded.

Amanda Choate, opposite No. 1539, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 756; no appeal.

Eva Coleman, opposite No. 1566, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 971; no appeal.

William P. Kelly, opposite No. 1420, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1198; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

Mattie M. Russell, opposite No. 1353, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1116; no appeal.

Grover Randall, opposite No. 15928, upon the final roll of citizens by blood of the Choctaw Nation. Admitted by Commission in 1896 in case No. 667; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Agnes James, opposite No. 18961, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1019; no appeal.

Martha Hyden, opposite No. 1699, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1344; admitted by United States court for Southern district of Indian Territory; denied by Choctaw and Chickasaw Citizenship Court.

Wiley Adams, opposite No. 15027, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1128; no appeal.

Mary A. Foster, opposite No. 985, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 437; no appeal.

Jeannette H. Buckholts, opposite No. 1537, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 943; no appeal.

Selden T. Lindsey, opposite No. 1159, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 25; denied by United States court for central district of Indian Territory; no appeal to Choc-

taw and Chickasaw Citizenship Court. Patents recorded.

Henry A. Cummings, opposite No. 1464, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 963; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Ordered enrolled by Department April 1, 1905 (I.T.D. 3131-1905). Patents recorded.

Allen Beagles, opposite No. 1486, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 11; no appeal. Patents recorded.

William Newton Cann, opposite No. 1488, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1010; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

John W. Carter, opposite No. 1543, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 982; no appeal.

Julia Cone, opposite No. 1559, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1407; admitted by United States court for Southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Robert S. McLendon, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1329; no appeal. Directed to be enrolled by Department April 5, 1906 (I. T. D. 9932-1904).

Martha J. McGahey, opposite No. 1614, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1268; no appeal. Decision of Commissioner of June 5, 1906, granting application affirmed by Department October 30, 1906 (I. T. D. 21238-1904).

Mattie L. Armstrong, Layton R. Armstrong and Bennie D. Armstrong, opposite Nos. 16054, 16055 and 16056, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in cases No. 477 and 478; admitted by United States Court for Southern district of Indian Territory; denied by Choctaw and Chickasaw Citizenship Court. Decision of Commissioner of July 9, 1906, granting application affirmed by Department August 11, 1906 (I. T. D. 13700-1906).

Rebecca K. Armstrong, opposite No. 1 6057, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1898 and child of Mattie L. Armstrong, opposite No. 16054.

Thomas J. Howard, Horace Howard, Lennie Howard, Henry Howard and Elmer Howard, opposite Nos. 16033, 16034, 16035, 16036

and 16037, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1354; no appeal. Directed to be enrolled by Department April 6, 1906 (I. T. D. 5364-1904).

Nettie Perney Howard and Dora Lee Howard, opposite Nos. 16038 and 16039, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897 and 1899, respectively, children of Thomas J. Howard, opposite No. 16035.

Carrie Howard, opposite No. 1578, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1354; no appeal. Wife of Thomas J. Howard, opposite no. 16035.

Gertrude Beaver, Clarence Beaver, Nellie Beaver and Myrtle Beaver, opposite Nos. 16040, 16041, 16042 and 16043, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Nos. 16040 and 16041 denied by Commission in 1896 in case No. 1354; no appeal. Nos. 16042 and 16043 born in 1896 and 1900, respectively, and children of Gertrude Beaver, opposite No. 16040. Ordered enrolled by Department April 6, 1906 (I. T. D. 5364-1904).

Burrell F. McLendon, John B. McLendon, Thomas McLendon, Ida M. McLendon, Ralph McLendon, Harry McLendon and Fannie McLendon,

opposite Nos. 16026, 16026, 16027, 16028, 16029, 16030 and 16031, respectively, upon the final roll of citizens by blood of the Choctaw Nation. All but Nos. 16030 and 16031 denied by Commission in 1896 in case No. 1271; no appeal. Nos. 16030 and 16031 born in 1896 and 1898, respectively, and children of No. 16025. Directed to be enrolled by Department April 6, 1906 (I. T. D. 6372-1904).

Cornel McLendon, opposite No. 1277, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1271; no appeal. Wife of Burrell F. McLendon, opposite No. 16025.

George A. Bengarner, opposite No. 16112, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 620; no appeal.

James S. Long, Joseph Long, Perbis Long, opposite Nos. 16003, 16004, and 16005, respectively, upon the final roll of citizens by blood of the Choctaw nation. Placed on 1896 Choctaw Census Roll by Choctaw Revisory Board without authority of law, as in William C. Thompson case. Ordered enrolled by Department January 19, 1906 (I. T. D. 3192-1905).

Columbus R. Autry, Lenora Green and Teddy Green, opposite Nos. 16048, 16049 and 16050, respectively. Nos. 16048 and 16049 placed on 1896 Choctaw Census Roll by Choctaw Revisory Board without authority of law as in William C. Thompson case. No. 16050 born

February 14, 1901; son of 16949. Record transmitted to Department December 21, 1906, for consideration in case of Hezekiah Enoch Autry.

CHOCTAW MINORS, ACT OF CONGRESS APPROVED
APRIL 26, 1906 (34 Stats., 137).

Nettie Myrl Crowder, opposite No. 674, child of George W. Crowder, opposite No. 15906, upon the final roll of citizens by blood of the Choctaw Nation, and Parlee E. Crowder, opposite No. 1524 upon the final roll of citizens by intermarriage of the Choctaw Nation.

Rufus Clay Crowder, opposite No. 4, child of William J. Crowder, opposite No. 15899, upon the final roll of citizens by blood of the Choctaw Nation, and Josephine Crowder, opposite No. 1523, upon the final roll of citizens by intermarriage of the Choctaw Nation. Fannie Jane Wright, opposite No. 253, child of J. W. Wright, non-citizen; and Betsy Wright, opposite No. 15912, upon the final roll of citizens by blood of the Choctaw Nation.

Lee Green, opposite No. 635, child of W. F. Green, non-citizen, and Lenora Green, opposite No. 16949, upon the final roll of citizens by blood of the Choctaw nation.

Ruth McLendon, opposite No. 706, child of Robert C. McLendon, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation, and Ennis McLendon, a non-citizen.

Roy D. McLendon, opposite No. 356, child of Burrell F. McLendon, opposite No. 16025, upon the final roll of citizens by blood of the Choctaw Nation, and Cornual McLendon, opposite No. 1877, upon the final roll of citizens by intermarriage of the Choctaw Nation.

Jennie Louise Brandrick, opposite No. 734, child of Mary A. Trice, opposite No. 15857, upon the final roll of citizens by blood of the Choctaw Nation, and William M. Brandrick, non-citizen.

Hazel Calvin Beaver, Cland Dawson Beaver and Herbert Howard Beaver, opposite No. 457, 458 and 459, respectively, children of Gertrude Beaver, opposite No. 16040 upon the final roll of citizens by blood of the Choctaw Nation, and Calvin Beaver, a non-citizen.

Effie Barnett, opposite No. 367, child of Amanda Isabella Sumpter, opposite No.16046, upon the final roll of citizens by blood of the Choctaw Nation, and A. P. Barnett, a non-citizen.

Odis A.Kiefer and Burema Kiefer, opposite Nos. 790 and 791, respectively, children of Ardella Kiefer, opposite No. 19816, upon the final roll of citizens by blood of the Choctaw Nation, and Charles Kiefer, a non-citizen.

Josephine Laflore Long, Francis Long and Jake Laflore Long, opposite Nos. 921, 922 and 923, respectively, children of Norbis Long, opposite No. 18005, upon the final roll of citizens by blood of the Choctaw Nation, and Lummie Long, a non-citizen.

CHICKASAWS BY BLOOD AND INTERMARRIAGE.

Gustavus A. Ramsey, opposite No. 514, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 123; denied by United States court for Southern district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Sallie E. Hargis, opposite No. 626, upon the final roll of citizens by intermarriage of the Chickasaw Nation; denied by Commission in 1896 in case No. 231; no appeal.

John R. Goldsby, Lemmiel R. Goldsby and Bessie Goldsby,

opposite No. 4984, 4985 and 4986, respectively, upon the final roll of citizens by blood of the Chickasaw Nation. All admitted by Commission in 1896 in case No. 254; admitted by United States court for Southern district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Decision of Commission of May 23, 1905, granting application affirmed by Department October 6, 1906 (I. T. D. 8148-1905).

Murray Milton Goldsby, opposite No. 4987, upon the final roll of citizens by blood of the Chickasaw Nation. Born in 1898, and son of John R. Goldsby, opposite No. 4984.

Joe Perry and Dillard Perry, opposite Nos. 5013 and 5014, respectively, upon the final roll of citizens by blood of the Chickasaw Nation. Denied by Commission in 1896 in case No. 116; no appeal. Ordered enrolled as citizens by blood of the Chickasaw Nation by Department on October 10, 1906 (I. T. D. 18962-1906). The names of these persons formerly appeared opposite Nos. 267 and 268 upon the roll of Chickasaw freedmen, approved by the Secretary of the Interior December 12, 1902; and in the event their names are stricken from the approved roll of citizens by blood of the Chickasaw Nation, their names should be re-instated upon the Chickasaw freedmen roll.

Benjamin J. Vaughan, opposite No. 695, upon the final rol of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 92; admitted by United States court for Southern district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Edward A. Vaughan, Grover Cleveland Vaughan and Oscar S. Vaughan, opposite Nos. 4969, 4970 and 4971, respectively, upon the final roll of citizens by blood of the Chickasaw nation. Admitted by Commission in 1896 in case No. 92; affirmed by United States court; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

William T. Lancaster, opposite No. 612; upon the final roll of citizens by intermarriageof the Chickasaw Nation. Admitted by Commission in 1896 in case No. 202; appealed to United States Court and affirmed. no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

John W. Archord, opposite No. 622, upon the final roll of citizens by intermarriage of the Chickasaw nation. Admitted by Commission in 1896 in case No. 178; appealed to United States court for Southern district of Indian Territory and affirmed; no appeal to Choctaw and Chickasaw Citizenship Court.

James W. Ragland, opposite No. 631, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in case No. 35; appealed to United States court for Southern district of Indian Territory; and appeal dismissed. Action of the Commissioner of October 25, 1905, enrolling applicant affirmed by the Department January 9, 1906 (I. T. D. 17403-1905).

Thomas St. John, opposite No. 896, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in Choctaw case No. 1039; no appeal. Patents recorded.

John Quincy Adams, opposite No. 631; upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 2 ; denied by United States court for Southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Mary A. Thanks, opposite No. 629, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in case No. 219; admitted by United States court for Southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Clay McCoy, opposite No. 906, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 141; admitted by United States court for Southern district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Directed to be enrolled by Department April 1, 1905 (I. T. D. 3133-1905).

The Indian Office, to which was referred your letter of the 27th ultimo for report, concurs in letter of March 2, 1907, in your recommendation that such names be stricken from the rolls.

The Department is compelled to rely upon your investigation as the act of April 26, 1906 (34 Stat., 137), provides in section 2 that the rolls of the Choctaw and Chickasaw nations shall be completed on or before the 4th day of March, 1907, and that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after such date. Assuming, therefore, that your information is correct, the names of the persons mentioned, not heretofore stricken from the partial rolls, are stricken from such rolls this day, notwithstanding any decision that may have been made by the Department in favor of such persons.

As recommended by you, the names of Joe and Millard Perry have been reinstated upon the Chickasaw freedman roll, opposite Nos. 267 and 268.

The Department concurs in your views relative to the following persons:

Anna Mitchell and Allen Yates Mitchell, opposite Nos. 15655 and 15656, respectively, upon the final roll of citizens by blood of the Choctaw nation. Denied by Commission in 1896 in case No. 1299; no appeal. Patents recorded.

David K. Strickland and Hertie P. Strickland, opposed to Nos. 15919 and 15920, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 941; no appeal.

Nettie P. McMurtry and Martha E. McMurtry, opposite Nos. 15448 and 15449, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1324; no appeal. Homestead patents recorded.

Rufus Satterfield, opposite No. 15930, upon the final roll ofcitizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 1062; no appeal.

Charles William Thompson, opposite No. 4968, on the final roll of citizens by blood of the Chickasaw nation. Admitted by Commission in 1896 in case No. 142; admitted by United States court

for southern district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

You state that such persons are minor children of duly enrolled citizens by blood of the Choctaw or Chickasaw Nation, and that the names of one parent of each of these children appears upon the final roll of citizens by blood of the Choctaw or Chickasaw Nation approved by the Department prior to March 3, 1905, and that while under the opinion of the Attorney-General of February 19, 1907, it would appear that these children are not entitled to enrollment as citizens by blood of the Choctaw or Chickasaw Nation under the acts of June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), you believe that such children can be enrolled under a provision of the act of March 3, 1905 (33 Stat., 1049), which is as follows:

> "That the Commission to the Five Civilized Tribes is hereby authorized for sixty days after the date of the approval of this Act to receive and consider applications for enrollment of infant children born prior to September twenty-fifth, nineteen hundred and two, and who were living on said date, to citizens by blood of the Choctaw and Chickasaw tribes of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this Act, and to enroll and make allotments to such children."

In this the Department concurs, and as you suggest, the

names of these children will be permitted to stand as they are at present on the rolls of citizens by blood of these two nations.

If by inadvertence the name of anyone has been left on any partial roll after decision adverse to him was made by the Department prior to March 8, 1907, and since the opinion of the Attorney-General referred to, the name of such person will be stricken from the roll as of this date.

A copy of Indian Office letter of March 2, 1907, is inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 2, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

Acknowledgment is hereby made of the receipt of Departmental letter of this date, (I. T. D. 6903-1907), enclosing for report copy ofletter of February 27, 1907 from the Commissioner to the Five Civilized Tribes, relative to the names of persons who have heretofore been placed on the final rolls of citizens by blood of the Choctaw and Chickasaw Nations, who are affected by the opinion of the Attorney General of the United States of February 19, 1907.

Commissioner Bixby sets out in his letter the names of all the persons now appearing on the rolls who are deemed by him to be without right to enrollment under the opinion of the Attorney General mentioned. In some of these cases patents have been executed and recorded, and in others no patents have been issued.

The Office is of the opinion that the list prepared by the Commissioner contains the names of persons who in the light of the opinion of theAttorney General are not entitled to enrollment, and it is therefore recommended that the action

of the Commissioner in striking the names of these persons from the roll be approved, and that their names also be stricken from the copies of the rolls in the possession of the Department and of this Office.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

RWW-LE..

7-5738

Muskogee, Indian Territory, March 29, 1907.

Jeanetta H. Buckholts,

Purcell, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior on March 4, 1907, directed the cancellation of your enrollment upon the roll of citizens by intermarriage of the Choctaw Nation.

Your name has accordingly been stricken from copy of said roll in the possession of this office.

Respectfully,

Acting Commissioner.

C O P Y

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

Address only
The Secretary of the Interior.

G W W

January 19, 1909.

File-8-51.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

November 30, 1908, the Supreme Court rendered decisions in what are known as the Goldsby and Allison cases. These suits were brought to obtain mandates against the Secretary of the Interior to correct the rolls as to said Goldsby and Allisons, on the ground that the Secretary of the Interior after placing their names upon approved rolls of citizenship had attempted to strike them from these rolls without notice and an opportunity to be heard. The decision of the Supreme Court is that mandate shall issue in these cases.

There are many suits of a similar nature pending against the Secretary of the Interior, and after careful conferences between this Department and the Department of Justice it was decided that judgment should be allowed in all pending mandamus motions in which the relaters stand clearly in the same position as Goldsby and the Allisons. Pursuant to these conferences and to the judgments which may be entered on account of the above decisions of the Supreme Court, you are hereby directed to erase the interlineations

and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes:

PERSONS WHO HAD PRIOR TO THE GOLDSBY DECISION INSTITUTED SUITS, THE PRINCIPLES OF WHICH ARE UNDOUBTEDLY SIMILAR TO THE OPINION OF THE SUPREME COURT IN THAT DECISION.

Chickasaws by Blood.

Roll No.	Name.	Suit No.	Court.
4984	Goldsby, John B.	248	U.S.S.C.
4985	Goldsby, Lizmiel B.	50033	S.C.D.C.
4986	Goldsby, Bessie	50033	S.C.D.C.
4987	Goldsby, Murray M.	50033	S.C.D.C.
4969	Vaughan, Edward A.	372	U.S.S.C.
4970	Vaughan, Grover C.	371	U.S.S.C.
4971	Vaughan, Oscar S.	371	U.S.S.C.

Chickasaws by Intermarriage.

621	Adams, John Quincy	50033	S.C.D.C.
621	Lancaster, William T.	50033	S.C.D.C.
606	McCoy, Clay	49358	S.C.D.C.
631	Ragland, James W.	51025	S.C.D.C.
596	St. John, Thomas	50353	S.C.D.C.
605	Vaughan, Benjamin F.	373	U.S.S.C.

Choctaws by Blood.

Roll No.	Name.	Suit No.	Court.
15027	Adams, Wiley	50033	S.C.D.C.
16048	Autrey, Columbus S.	49722	S.C.D.C.
16040	Beaver, Gertrude	50033	S.C.D.C.
16041	Beaver, Clarence	50033	S.C.D.C.
16042	Beaver, Nellie	50033	S.C.D.C.
16043	Beaver, Myrtle	50033	S.C.D.C.
15917	Beagles, Nellie F.	50033	S.C.D.C.
15911	Crowder, Van	50033	S.C.D.C.
15910	Crowder, Willie	50033	S.C.D.C.
15909	Crowder, Belzeel	50033	S.C.D.C.
15908	Crowder, Joe	50033	S.C.D.C.
15907	Crowder, Louisa	50033	S.C.D.C.
15906	Crowder, George W.	50033	S.C.D.C.
16050	Green/ Teddy	49724	S.C.D.C.
16049	Green, Lenora	49724	S.C.D.C.
16033	Howard, Thomas J.	50033	S.C.D.C.
16034	Howard, Horace	50033	S.C.D.C.
16035	Howard, Lennie	50033	S.C.D.C.
16036	Howard, Emery	50033	S.C.D.C.
16037	Howard, Elmer	50033	S.C.D.C.
16038	Howard, Bettie Perney	50033	S.C.D.C.
16039	Howard, Dora Lee	50033	S.C.D.C.
15451	James, (or Richardson), Maggie M.	50033	S.C.D.C.

Roll No.	Name.	Suit No.	Court
15452	James, Ellis E.	50033	S.C.D.C.
15453	James, Amalaurie	50033	S.C.D.C.
15454	James, Evaline	50033	S.C.D.C.
15961	James, Agnes	50033	S.C.D.C.
15394	Kirk, Gabriella	50355	S.C.D.C.
15393	Kirk, Sarah	50355	S.C.D.C.
15956	Shelton, Emma	51240	S.C.D.C.
15952	Shelton, Frank	51240	S.C.D.C.
15645	Sumpter, John	50033	S.C.D.C.
15646	Sumpter, Amanda Isabella	50033	S.C.D.C.
15647	Sumpter, Jim Andy	50033 51240	S.C.D.C.
15648	Sumpter, Scott Taylor	50033 51240	S.C.D.C.
15649	Sumpter, Dixon D.	51240	S.C.D.C.
15912	Wright, Betsy	50033	S.C.D.C.
15913	Wright, Thomas E.	50033	S.C.D.C.
15914	Wright, Mary M.	50033	S.C.D.C.
15915	Wright, Lenard D.	50033	S.C.D.C.

Choctaws by Marriage.

1628	Allen, Andrew J.	50033	S.C.D.C.
1409	Atwood, Chester C.	50353	S.C.D.C.
1473	Beal, Andrew	50947	S.C.D.C.
1408	Bowling, Mary M.	51026 50033	S.C.D.C.

Roll No.	Name	Suit No.	Court.
1543	Carter, John W.	50534	S.C.D.C.
1464	Cummings, Henry A.	50033	S.C.D.C.
1524	Crowder, Parlee C.	50033	S.C.D.C.
1329	Harris, Calvin Q.	49723	S.C.D.C.
1578	Howard, Carrie	50033	S.C.D.C.
1399	Kirk, J. W.	50384	S.C.D.C.
290	Klugh, August	50033	S.C.D.C.
1027	Perkins, Mattie A.	50353	S.C.D.C.
1491	Reichert, William	51026	S.C.D.C.
1400	Rice, Ambrose L.	374	S.C.D.C.
1423	Shults (or Shults) Fannie	51026	S.C.D.C.
1495	Shelton, John	50946	S.C.D.C.
1469	Sumpter, Jacob D.	50033	S.C.D.C.
340	Travis, Robert A.	50948	S.C.D.C.
1403	White, Angelina	51026	S.C.D.C.
662	Woodard, Charles A.	49494	S.C.D.C.

Minor Cherokees.

Act of Congress Approved April 26, 1906.

367	Bennett, Effie	50033	S.C.D.C.
457	Beaver, Hazel Calvin	50033	S.C.D.C.
456	Beaver, Claud D.	50033	S.C.D.C.
459	Herbert, Howard	50033	S.C.D.C.
674	Crowder, Nettie Myrl	50033	S.C.D.C.
485	Green, Lee	49724	S.C.D.C.
253	Wright, Fannie Jane	50033	S.C.D.C.

Cherokees by Blood.

Roll No.	Name.	Suit No.	Court.
31910	Allison, John	49434	S.C.D.C.
31960	Allison, Johnnie S.	49436	S.C.D.C.
31961	Allison, Frankie P.	49437	S.C.D.C.
31956	Allison, Ida B.	249	U.S.S.C.
31957	Allison, George A.	250	U.S.S.C.

A careful investigation of these names concerning which no suits were brought, but which, after being upon an approved roll of citizens or freedmen of any of the Five Civilized Tribes, were stricken therefrom without notice and an opportunity to be heard, has thus far developed a list which undoubtedly falls within the principles expressed by the Supreme Court in the Goldsby decision. All these persons are in the same position as those named in the above list of those who had filed suits prior to that decision. It follows necessarily that, if suits were instituted in these cases, judgment must be allowed as was done in the case of the names on the above list. For this reason I have decided that it would be improper to delay the correction of the rolls as far as these persons are concerned. Such delay would continue the rolls in an incorrect condition according to the opinion of the Supreme Court, would bring hardship and expense upon the citizens and freedmen involved, and would delay completion of the work of the Commission to the Five Civilized Tribes.

The correction of the rolls in these cases does not add names to the rolls, but merely erases from the rolls interlineations and notations which the court says the Secretary of the Interior has no power to place there. For those reasons you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes:

PERSONS WHO HAD NOT INSTITUTED SUITS PRIOR TO THE GOLDSBY DECISION BUT WHOSE CASES FALL INDUBITABLY UNDER THE PRINCIPLES OF THAT DECISION.

Chickasaws by Blood.

Roll No.	Name.	Roll No.	Name.
5013	Perry, Joe	5014	Perry, Dillard

Chickasaws by Marriage.

622	Archard, John W.	629	Shanks, Mary A.
626	Hargis, Sallie J.	514	Ramsey, Gustavus A.

Choctaws by Blood.

16103	Allen, Elizabeth	16110	Crutchfield, Loutitia
16112	Bumgarner, George A.	16106	Crutchfield, Everet
15925	Crowder, John A.	16111	Crutchfield, George W.
15924	Crowder, Pinkie B.	15450	James, Alice E.
15923	Crowder, Katie B.	15972	Jennings, Arthur
15921	Crowder, Eli W.	15973	Jennings, Clyde
15922	Crowder, James	15916	Keifer, Ardella
15905	Crowder, Winnie Gertrude	16003	Long, James S.
15904	Crowder, John F.	16004	Long, Joseph

Roll No.	Name.	Roll No.	Name.
15903	Crowder, William M.	16005	Long, Forbis
15902	Crowder, Rosa	921	Long, Josephine LeFlore
15901	Crowder, Maggie	922	Long, Jake LaFlore
15900	Crowder, Abigail	9258	Pebworth, Henry
15899	Crowder, William J.	15928	Randall, Grover
16105	Crutchfield, Ida	16104	Ritter, David
16107	Crutchfield, Ina	15856	Robinson, Mary E.
16108	Crutchfield, Louvinia	15951	Shelton, Daisy
16109	Crutchfield, William	15857	Trice, Mary A.

Choctaws by Marriage.

1486	Beagles, Allen	1414	McClure, Madell
1537	Buckhalts, Jeanetta H.	1614	McCahey, Martha J.
1559	Cheate, Amanda	1407	McMurtry, Lucy
1412	Crowder, Lydia Ann	1550	Ome, Julia
1523	Crowder, Josephine	1410	Paxton, William D.
985	Foster, Mary A.	1406	Rabon, Robert L.
1421	Freeny, Mattie	1490	Reding, Ella
1489	Gann, William Newton	1478	Rigney, Rosa E.
1518	Gray, John Calvin	1219	Roberts, George W.
1216	Gunter, Benjamin B.	1531	Robinson, Frederick R.
1480	Kelly, William F.	1553	Russell, Mattie M.
1476	Lewis, Vicey	1127	Smith, Ina L.
1150	Lindsey, Selden T.	1428	Staten, John T.

1406	Merryman, Sarah	668	Sutherland, Henry
1215	Mitchell, Virginia P.	1470	Tucker, William M.
1519	Mitchell, Mattie S.		
1416	Moran, Mary	1468	Vincent, Charlie S.

Minor Cheotaw Citizens.

Roll No.	Name.	Roll No.	Name.
724	Brandrick, Jennie Louise	791	Kiefer, Burana
4	Crowder, Rufus Clay	669	Long, Francis
790	Kiefer, Odie A.		

Cherokee by Blood.

31958	Allison, Elmer C.	31959	Allison, Jasper P.

In order that the action of erasures may be uniform for all names and upon all rolls, you will make such erasures in the following manner: The lines drawn through and purporting to cancel the names from the rolls shall be lined out by drawing across them short transverse lines in red ink. The notations purporting to cancel the names from the rolls shall be lined out by drawing through each line of said notations red horizontal lines. In addition to lining out the interlineations and notations you will insert a note at the foot or side of each page containing any of these corrections, said note to be indicated by stars placed before the names involved. The note shall read as follows:

"Words and lines purporting cancellation erased by authority of departmental letter of January 19, 1909 (File 5-51)."

You will notify all persons, whose status on the rolls

has been recognized as above, of the action taken, and that they have all the rights to allotment and payments enjoyed by other citizens, as though no attempt had ever been made to cancel their names from the rolls.

Except for the Allisons named in above lists, I am not ready to give you a list of the Cherokees and Creeks whose status upon the rolls will be corrected under the principles of the Goldsby decision. Direction concerning them will follow within a week.

There are other names which were upon approved rolls and were erased or stricken therefrom by the Secretary of the Interior without notice. Some of these are already the subject of injunction or mandamus actions against the Secretary of the Interior, and in other cases such action has not been instituted. There are reasons which make it doubtful whether those persons fall indubitably under the principles of the Goldsby decision. Careful consideration of the matter will be given at once, and, according to the decision reached in each case, the persons involved will be left to such court action as they deem wise or will have the rolls corrected by departmental action in the manner indicated for the two lists set forth above.

A sample page is inclosed, showing the method of erasure to be followed by all officers in the correction of the rolls.

Very respectfully,
(Signed) James Rudolph Garfield
Secretary.

7-5738
B-1537

Muskogee, Oklahoma, February 10, 1909.

Mrs. Jeanetta H. Buckholts,

Wayne, Oklahoma.

Madam:

I am instructed by the Department of the Interior that your case falls within the principles of the decision of the Supreme Court of the United States in the case of John E. Goldsby et al., seeking to have their names restored to the rolls of citizens of the Choctaw and Chickasaw Nations, and that the notations striking your name from the roll of citizens by intermarriage of the Choctaw Nation shall be erased and that you have all the rights to allotment and payments enjoyed by other citizens as if no attempt had ever been made to cancel your name from this roll.

Said instructions have been carried out by this office and you are now advised that the status of your name on the approved roll of citizens of the Choctaw Nation and of your allotment selection in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that your name be stricken from the roll.

Respectfully,

Acting Commissioner.

WHA(CM)

Choc 5739. Francis M. Jones

Trans from Choc D354

5739

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 20th, 1902.

Choctaw D-354
Intermarried

--------oOo--------

In the matter of the application of Ida M. Jones for enrollment as an intermarried citizen of the Choctaw Nation.

Ida M. Jones being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ida M. Jones.
Q What is your age? A Thirty-four.
Q What is your post office address? A Present time?
Q Yes? A Ego.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation?
A Seventeen years.
Q Have you lived here continuously for that length of time?
A Yes sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw husband through whom you claim those rights? A Francis M. Jones.
Q Is he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to him? A Married in '85.
Q Where was this marriage ceremony performed? A At Emet, in the Chickasaw.
Q At that time were both you and your husband residents of the Chickasaw Nation? A No sir.
Q Were you a resident of the Chickasaw Nation and he a resident of the Choctaw Nation? A Yes sir.
Q Under what law were you married? A Under the Choctaw laws.
Q Did you obtain a marriage license? A No sir.
Q Who performed the marriage ceremony? A Parson Keener.
Q Were you ever married before your marriage to Francis M. Jones.
A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

The applicant has in her possession a certificate of the Secretary of this Commission, dated the 3rd of December, 1896, stating that under the Act of June 10, 1896, her application for enrollment as a citizen of the Choctaw Nation has been granted. The title of this case is "Ida Jones vs Choctaw Nation, #1042."

Ida M. Jones----2

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause onnthe 20th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14" day of January, 1903.

Charles H Sawyer
Notary Public.

Wox

N.F.
D&C

7-5739.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ida M. Jones as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on March 5, 1885, the applicant, Ida M. Jones (nee Melton), was lawfully married to Francis M. Jones, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15248 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on May 9, 1904.

It further appears from the records of the Commission that on September 7, 1896, in the case entitled "Mrs. Ida Jones vs.Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 1042), the applicant, Ida M. Jones, made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission to citizenship in the Choctaw Nation, claiming her right thereto by virtue of her marriage with the said Francis M. Jones, and on December 5, 1896, the said Ida M. Jones was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, Blue County, number 14704, enrolled thereon as a citizen by intermarriage of said nation.

It further appears from the record herein that the applicant was a resident in good faith of Indian Territory on June 28, 1898, and that her status as an intermarried citizen of the Choctaw Nation remained unchanged from the date of her said admission in 1896 up to and including September 25, 1902.

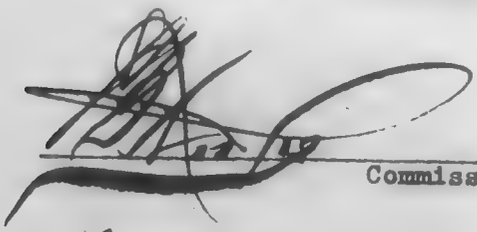
It is, therefore, the opinion of this Commission that Ida M. Jones should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902

(32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

JUN 21 1904

Choctaw 5739

Muskogee, Indian Territory, June 21, 1904.

J. C. Rails,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 21, 1904, rendered its decision granting the application of Ida M. Jones for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Choctaw 5739

Muskogee, Indian Territory, June 21, 1904.

James H. Chambers,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 21, 1904, rendered its decision granting the application of Ida M. Jones for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Choctaw 5739

Muskogee, Indian Territory, June 21, 1904.

Ida M. Jones,

Ego, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Chairman.

Registered.

Incl. 7- 5739.

Choctaw 5739.

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 21, 1904, granting the application of Ida M. Jones for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)
Tams Bixby.
Chairman.

Registered.
Incl. 7- 5739.

See Choctaw D 708 for registry receipt for his letter.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of Claud C. Jones, born on the 17 day of August, 1898.

Name of father: F. M. Jones, a citizen of the Choctaw Nation.

Name of mother: Ida Jones, a citizen of the Choctaw Nation.

Post Office: Ego I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Ida Jones, on oath, state that I am 31 years of age and a citizen, by Intermarriage, of the Choctaw Nation; that I am the lawful wife of F. M. Jones who is a citizen, by Birth, of the Choctaw Nation; that a Boy child was born to me on the 17 day of August, 1898; that said child has been named Claud C. Jones, and is now living.

her
Ida X Jones
mark

Subscribed and sworn to before me this 12 day of September, 1899.

J. G. Reeder
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Dr F. M. Morgan, a ....., on oath, state that I attended on Mrs. Ida Jones, wife of F. M. Jones on the 17 day of August, 1898; that there was born to her on said date a Boy child; that said child is now living and is said to have been named Claud C. Jones.

Dr. F. M. Morgan

Subscribed and sworn to before me this 12 day of September, 1899.

J. G. Reeder
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. Dec. 7, 1900.

The Choctaw Nation	:	
	:	
vs.	:	D 355
	:	
Francis M. Jones	:	
	:	

APPEARANCES

For the Choctaw Nation, Melvin Cornish Esq.

For the applicant, J. G. Ralls Esq.

Joseph R. Plummer being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Cornish.

Q What is your name? A Joseph R. Plummer.
Q What is your age? A Sixty seven.
Q You are a citizen of the Choctaw Nation are you? A Yes sir
Q Admitted to citizenship by the Choctaw Council? A Yes sir, by blood.
Q I want to get a statement from you for the information of the Commission in regard to your admission to citizenship. When were you admitted? A 1885.
Q Now what persons were named in that act of admission?
A I only petitioned to be recognised myself.
Q What children did you have living at that time? A Well all of the children.
Q How many? A Eight.
Q All living at that time? A All living, no sir.
Q Some born since? A No sir, the eldest one married Butler and was dead. The youngest girl died since.
Q After that act of admission the Choctaws recognized you as a citizen? A Yes sir.
Q Immediately after your admission to Choctaw citizenship the Choctaws recognized you? A Yes sir.
Q Immediately after that did they also recognize your children, your family at that time? A Well, they did. They got the Leased District money, three of the boys.
Q Three of the boys got the Leased District money? A Yes sir.
Q When was the second act passed? A I think in 1895. Possibly in 1894. I have the papers with me.
Q How many of your children did not get the Leased District money? A Walter G. Plummer and Mollie G. Ragen.
Q And her children? A Yes sir.
Q Did Walter G. Plummer have children also? A Yes sir.
Q The children were your grand children? A Yes sir.
Q Any others? A I think Franklin E. Plummer.
Q And his children? A He had no children.
Q Was he your son? A Yes sir.
Q Why did they fail to get the Leased District money? A Because they failed to be here the year before the Choctaw lease. All the citizens who were not within the bounds of the Choctaw Nation would not be counted in the Leased District payment.

Q Then these people you have mentioned were not living in the Indian Territory in 1893 were they. Is that your statement? A Yes sir. They were here but they come in 1892. I think that act was passed in April. In 1893 the payment was.

Q The payment made in 1893 on the rolls made in 1892?

A Yes sir.

Q They were not living in the Choctaw Nation in 1892? A No sir, they come after the roll was made up except three that received their money.

Q Did all of your children who were living here at the time the roll was made up, receive their Leased District money? A Yes sir.

Q And those who did not reside here when the roll was made did not receive the money? A No sir.

Q Where did they live? A They had moved to Texas.

Q When did they move back? A I think in the fall and winter of 1892.

Q They had lived here however, from the time you were originally admitted up to the time they moved to Texas? A Yes Sir.

Q This second act was passed in 1895? A '94 or '95.

Q Whose names were included in that act? A All included except those who were living out there. I asked them to come here and live with me and if they would not come here their names would not be in there.

Q Then in the second act of admission the names of all your children who were then in the Indian Territory and living with you were mentioned? A Yes sir.

Q Why did you have that second act passed? A I believed it was right. I wanted the act passed. I wanted to be fair with the Nation.

Q You felt that if this second act, stating their names was not passed, there might be some question as to their citizenship?

A Yes sir. Braxell Leflore told me to have my children recognized as soon as I could.

Q By the Council? A Yes sir.

Q And in obedience to that advice you had this act passed in order that there might be no question? A I did, sir.

Q Who else did you talk with about that? A Several of my friends. J. B. Jackson, was the man I first had a conference with. He was then National Secretary.

Q You talked quite generally among your friends? A Yes sir.

Q Did you advise with Mr. Telle about it? A Yes sir, he drew the petition.

Q And Telle represented you before the Council by which the second act was passed? A No sir, just drew the bill upon my direction. I placed the matter before the Council myself.

Q Mr. Telle drew the bill? A Yes sir, I dictated it.

Q Did you ask his advice? A I just asked him to draw the bill. He was an attorney and of course knew about it, I told him I wanted the bill to place before the citizenship committee and wanted my children that was here recognized and those who would not come here would not be in.

Q You understand that this does not affect your citizenship?

A I will just say, my daughter Fannie Seals, I asked her why she wouldn't live in the Indian Territory.

Q You understand this does not affect your citizenship but another question before the Commission

Examination by Mr. Ralls.

Q It wouldn't make any difference if it did apply to your case you would answer the same way, wouldn't you? A I am pretty sound on it.

Q As I understand you then, you only mentioned your own name in the petition to be admitted as a member in 1883. You were admitted

and as soon as you were admitted your children who were here with you were recognized by the Choctaws? A Yes sir.

Q They got all the benefits as other Choctaws and afterwards in order that there might be no question at all, you had an act passed specifically naming all the children who were then here?

A Yes sir.

Q And I also understood you to say that your children who were residing here - in regard to the payment of the Leased District money - were placed on the Leased District roll? A Yes sir, three of them.

Q Now isn't it a fact that your son Charley Plummer was elected to Council before he was specifically named in any act of admission? A Yes sir.

Q In every way your children were regarded as Choctaws? A Those that were here.

Q That was on the theory that you being the father, your children were entitled to recognition as Choctaws? A Yes sir, He was on the Indian Police for nine years. I heard him say so yesterday.

Q They didn't have anyone on the Indian Police but Indians?

A No sir.

Q And as I understand you those that did not draw Leased District money were not here at the time the act for the payment of that money was passed, and under the act they could not draw the money, not being residents? A They could not receive the payment but did not affect their property rights.

Myra Young being first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 26th day of January, 1901.

Guy L. Emerson

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-354.

Muskogee, Indian Territory, March 1, 1902.

Francis M. Jones,

Ego, Indian Territory.

You are hereby notified that the application of yourself and your wife, Ida M. Jones, and your seven minor children, Lorena M., Robert M., Jesse F., Walter A., Albert L., Claude O. and Roy D.Jones for enrollment as citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Francis M. Jones for the enrollment of himself and his seven minor children, Lenora M., Robert M., Jesse F., Walter A., Albert L., Claude O., and Roy D. Jones as citizens by blood of the Choctaw Nation, and for the enrollment of his wife Id a M. Jones as an intermarried citizen of the Choctaw Nation.

----D 354----

On the first day of March, 1902, the principal applicant was notified by registered mail, and on the sixth day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Francis M. Jones, Ida M. Jones, Lenora M. Jones, Robert M. Jones, Jesse F. Jones, Walter A. Jones, Albert L. Jones, Claude O. Jones, and Roy D. Jones for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and the applicant appeared by his attorneys, J. G. Ralls and A. Telle.

STATEMENT BY COUNSEL:

Mr RALLS: Reference is made to Leased District Pay Roll of 1893, Blue County, Choctaw Nation, page 63, Nos. 658, 659, 660 and 661, wherethe name of the principal applicant together with three of his children appear; reference is also made to the 1896 Choctaw census roll, No.7162. We ask that the testimony in the case of James M. Buckholts, et al., No. D-357, be made a part of the testimony in this case insofar as the same may be applicable. I would also state that the wife of the principal applicant claims to have been admitted as Ida Jones by the Dawes Commission in 1896, from which no appealwas taken.

BY THE COMMISSION:

This case will be considered by the Commission upon the record as now made up.

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Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized

Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Liston

Subscribed and sworn to before me this 10th day of April 1902.

Chas M Stockwood

Notary Public.

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I. T., December 4, 1900.

In the matter of the application of James M. Buckholt et al. for enrollment as Choctaw citizens.
Choctaw Card D. ~~330~~ 357

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James S. Standley, being duly sworn and examined, testified as follows:

Mr. A. Telle, attorney for applicants: Capt. Standley, I will ask you if you are a Choctaw Indian by blood? A Yes sir.

Q What is your Age? A 59 years of age.

Q Your residence? A Choctaw Nation, I claim Atoka as my head quarters, my home, I have no domicile in the town but I am at homs here.

Q I will ask you how long you have been in the Choctaw Nation?

A I came here in 1873.

Q I will ask you whether or not you are acquainted with the laws and customs and usages of the Choctaw people with reference to citizenship? A Yes sir, I think I am.

Q Did you ever occupy any position at the Choctaw council where they have passed on these questions of citizenship? A Yes.

Q I will ask you if you have ever acted in the capacity of draftsman for the Council? A Yes.

Q Where citizenship cases were passed upon? A Yes, many a time.

Q I believe you state that you are well acquainted with the laws of the Choctaw Nation. A Yes sir.

Q I will ask you if you know of any law of the Choctaw Nation previous to the Act of 1888 wherein it was required that the namesof the applicants should be presented to the Council, all of the names, other than the heads of families? A No, I do not.

Q Then, as I understand, it has been the custom of the Council to admit people by simply admitting the heads of families? A Yes, I will say that is my understanding, some have been.

Q Admitted the heads of families and the others all came in?

A That has been the custom.

Q I will ask you if you know William Buckholt? A Yes.

Q And R. T. James? A Yees.

Q I will ask you whether or not you know John Null? the old John Null? A I knew of him, simply as a matter of record, and a matter of common knowledge in the country.

Q I will ask you if you know of any statute authorizing the Supreme Court to pass on cases in the Choctaw Nation: any law of the Choctaw Nation authorizing the Supreme Court to pass on citizenship cases.

A The Supreme Court of the Choctaw Nation, there used to be an old law years ago, that was the law when I came here.

Q You were not present when the Supreme Court passed on the case of William Buckholt and others? A No.

Q I will ask you if you were attorney in the case of one J. R. Plumer when he was admitted to citizenship by the Citizenship Commission of the Choctaw Council? A Yes.

Q I will ask you if there was any expression of the Committee as to what the re intention was at the time that he was admitted to citizenship? A There was no question raised by the Commission that I know of with reference to the necessity of having his entire family incorporated in the bill.

Q Did the applicant himself ask the question? A Yes, the question was raised by him.

Q And what was the answer of the Commissi on to his question as

to whether he ought to name the children or not? A It has been a good long time ago, but my recollection is it wasn't necessary.

Q That the admission of the parents carried with it the rights to the children? A Yes.

Q Then as far as your experience goes and observation with reference to the Choctaw affairs, it has been the custom of the Choctaw Nation where the parents were admitted to citizenship, that the children took their status without naming them?

A Let me answer that in my own way, and I will state my experience to you. I was the attorney for Plumer, I was the attorney for Stewart, I was the attorney for Marsh, and I can't call to mind another case now, and in all of those cases, if it had been my understanding that it didn't carry all of them with the head of the family, it would have been an easy matter, you understand for me to insert the name. The fact that we didn't do so and I was the attorney in the case is sufficient for the Commission to understand what my understanding of the law was and what the custom was at the time as I understood it.

Q I will ask you whether or not the Choctaws have recognized the children of William Buckholt, R. T. James, and JohnNull, as far as exercising the rights of citizenship goes, since that time?

Q As to the Buckholt and James I know more about in a general way than I do about the Null family. I will say that as far as my information goes, they have always been recognized. I have never heard anything to the contrary.

Q I will ask you if it is not true with reference to other cases where they were admitted by act of the Council and the children not named? A I think so, yes: Plumer's children went ahead here and were admitted by the laws, and that other case, and the Marshalls.

Mr. Cornish: You spoke of two or three other cases, the Marsh and Plumer cases and what other case? A Mrs. Nancy Stewart.

Q Were those cases where the heads of family only were named in the acts of admission? A In the Nancy Stewart case that was different from the others.

Q I am inquiring if you did represent certain cases wherein only certain heads of families were named in the act? A Yes.

Q What other case in addition to the Buckholt? A The Marshall case and the Plumer case: the Stewart case went beyond the Council.

Q These are two cases wherein only the heads of families were named? A Yes.

Q Are there any descendants of these persons claiming and asserting rights in the Choctaw Nation? A That is my understanding, I know that some of Plumer's children are here and some not here, and Marshalls, Marshall was a mixed blood.

Q Is it not a fact that the Plumers after they were admitted by naming the head of the family, that by subsequent act of the Council the members of the family were named in that? A I don't really know that.

Q That is your understanding, is it? A Yes.

Q So that leaves only the Marshall case? A Yes, but mind you I don't remember about that subsequent act of the Plumers.

Q Isn't that your understanding, that it was done? A No I don't remember it; It might have been done, I don' t say it wasn' t done, and I might have been called upon to testify in reference to the other.

Q Is it Henry Marshall that you speak of? A Yes, Henry Marshall.

Q Captain Standley, how many acts of the Choctaw council do you think have been passed since they commenced to admit persons many years ago, about how many cases? A I can't hardly tell.

Q There have been at least 100? A Yes.

Q Perhaps 200? A Yes, I don't know how many.

Q Something perhaps 100 and 200? A That would be a good guess.

Q Isn't it a fact that so far as your information goes that only in these three cases were only the heads of families mentioned?

A I can't say, because many of those cases I had nothing to do with

Q Do you know of any other cases wherein persons claim through acts of the Council wherein only the heads of families were named?

A Of my own knowledge, no, I do not; I haven't been attorney for many cases.

Q I supposed you might be familiar with the various acts from going through the old books? A I would not know from drafting an act who was in and who wasn' t.in.

Q Is it not a fact that the proportion would be fifty to one or perhaps 100 to one as regards cases wherein only the heads of families were named and the cases wherein all persons claiming admission would be? A It might be, my knowledge of it isn't sufficient to justify me in answering that question; these cases that I single out I know of personally; the other cases wherein I was simply serving as draftsman of the Council, there might have been only the heads and might have been all the family.

Q Since Mr. Telle wanted to get your opinion and general information as to the custom I thought I might go further and get the benefit of your general knowledge of Choctaw affairs as well. A Very well, and tiy will see from my action as the time of the admission of these parties that it was my general understanding and the understanding of my associate, Colonel Nelson, and he was a much older man than I am and had lived here all his life and was more familiar with the laws than I was, and that was his understanding, and he guided me largely.

Q This custom, would that warrant the recognition by the Choctaws of the brothers of a person admitted and the sisters, was that your knowledge of the customs? A I wouldn't say that, I don' t know that there has been any custom on that subject.

Q Do you know of any brothers and sisters of persons admitted by acts who have without any specification by the Council been recognized as Choctaw citizens? A Yes.

Q You know of cases where one person was admitted and the brother of that person, having never been admitted, has been by the Choctaws recognized, but never was admitted by any act of Council, and carried on the rolls? A Yes.

Q What case? A I know of but one, and that is my own brother.

Q You don't know of any other case? A I can't call to mind any other case but if I were to talk around among the people and get my memory refreshed I might think of some.

Q Is your brother living? A No sir.

Q So far as you know, this custom would not extend to collateral relatives, brothers and sisters? A No, I can' t say as to what the custom has been about that, I have had no other experience; there has been no way of obtaining information on that line.

Q The only acts of the Choctaw council then of which you have a personal knowledge, wherein only heads of families were admitted and in which the relatives sought to be recognized as Choctaw citizens were those three cases that you spoke of, the Buckholt case, the Marshall case, and the Plumer case? A Yes, sir, and the Stewart case.

Attorney J. G. Ralls, for applicant: In the Stewart case before the Council, the petition only mentioned the name of Mrs. Stewart, did it? A Yes.

Q That case, it went to the Indian Agent under a special act of the Choctaw Council and there the Agent inserted the names of the descendants? A Yes.

Q And required them to be inserted there? A Yes.

Q And they were admitted there by the Indian Agent, that was approved by the Secretary of the Interior, was it? A Yes.

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J.M.B. - 4.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes therein.

(signed) B r u c e C. J o n e s.

Sworn to and subscribed before me this the 6th day of December, 1900.

((SEAL)) John G. Lieber,

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I. T. December 7, 1900.

The Choctaw Nation :
:
vs. : D-357.
:
James W. Buckholts :
---:

APPEARANCES.

For the Choctaw Nation, Melvin Cornish, Esq.
For the Applicant, J. G. Ralls, Esq.

William Buckholts being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Ralls:

Q State your name? A Just William, no middlename.
Q William Buckholts? A Yes sir, Buckholts.
Q How old are you Mr. Buckholts? A I lack about one month of being eighty three years old.
Q How long have you lived in the Choctaw Nation? A Well, I moved here across Red River the first day of March, 1872 and been here ever since.
Q 1872? A Yes sir.
Q Who came with you to this country? A Well, my children all came but one.
Q Which one was that? A That was Fate. W. L. Buckholts.
Q Are you acquainted with R. T. Jones? A Yes sir.
Q When did he come to this country? A He came here when I did.
Q Were you acquainted with John Null during his lifetime?
A Yes sir.
Q When did he come to this country? A He came shortly after I did. I suppose in ten days. I don't know exactly.
Q What relation were they of yours? A John Null married my oldest sister, Sarah H. Buckholts.
Q What relation was Mr. Jones to you? A He married my oldest daughter, Lura Elizabeth Buckholts.
Q Did their children come with them at the time they came here? A All they had.
Q The other children have been born in the Nation, have they?
A Yes sir.
Q Do you remember being before the Supreme Court of the Choctaw Nation in 1872? A Yes sir .
Q Who were the Supreme Justices? A There was - - I don't know their given names - there was Garvin, Everidge and Fulsom. I think Fulsom lived at Skullyville. I have forgotten their given names.
Q Were you and Mr. Jones and Mr. Null admitted to citizenship in the Choctaw Nation by judgment of that court - ? A Yes sir.
Q What year was that and what month? A That was in - well it was at the regular Council in October but it might have been in November before the court decided on it.
Q And what year? A That was in '72, 1872.

Wilson Buckholts 2

Q Yes, W. Buckholts, just now and D. T. Jones and John Hall were mentioned in the judgment were you? A That was all that was in the duplicate they gave me.

Q Do you know why it was that your children were not mentioned in the judgment? A Well, I don't know that I could tell you. While I was on the witness stand I told the court that I thought me and my whole children ought to be in the petition.

By Mr. Turner.

Q Does the Foundation think it proper for him to repeat the statement he made at that time, a self serving declaration?

Mr. Hall: It is not going to be a self serving declaration.

Mr. Turner: I should think it would be Mr. Foster. It is a statement that he made in his own interest.

Mr. Riley: Let us see what the question is first.

By Mr. Hall:

Q As about. A In regard to naming the children, I told them I thought all our children names ought to be in the petition and Judge Turner, Chief Justice, said Mr. Buckholts there is no use of it. If we recognize you elder ones that includes all your descendants." I hushed, of course I could say no more.

Q Speaking as the Chief Justice of the court, he informed you that? A The Chief Justice, yes sir.

Q Now, where have you all lived since you came in the Nation. I mean in the Nation or have you lived out of the Nation? A We have lived out of it, we have lived here, have been out only on a visit or on business.

Q Been out just temporarily? A Yes sir.

Q Now since the Supreme Court admitted you three elder ones state whether or not the Choctaw authorities have recognized the children as citizens of the Nation? A Well, we have been recognized, the children and all, ever since, until the last year or such a matter.

Q After this question was raised? A Yes sir. There was no objection before.

Q Well have the Choctaw authorities themselves ever made any objection to you? A None that I know of. Not a partiele.

Q They have always voted have they? A Yes sir.

Q Owned farms? A Yes sir.

Q Enjoyed the schools and privileges of Choctaws? A Yes sir and served on juries, worked the roads, acted as jurors of elect on and all likes.

Q Been placed on the various rolls made by the Choctaws have you? A Yes sir.

By Mr. Riley.

You are referring to himself or his children?

Mr. Hall: To all of them.

By Mr. Hall:

Q And they were paid leased district money were they by the Choctaw authorities? A Yes sir.

Q Several of the defendants have married white persons have they? A Yes sir.

Q Have those white persons been recognized by the Choctaws as members of the Nation? A Well, I think so. I never heard anything to the reverse at all.

Q And ever since 1892, the Choctaws have always recognized you, Mr. Jones and Mr. Hall and all of your children? A Yes sir.

Q And have recognized Mr. Jones children? A Yes sir.

Q And Hall's children? A Yes sir.

Q As members of the Choctaw Nation and you have enjoyed all

the privileges and benefits as other "Creeks" A Well with one exception.

Q What was that Mr. Whitehead? A That is my sister died and Uncle John, I always call him uncle, he married a white woman and has one child by her. Well they were involved in the petition, but they knew they had no blood and they just withdrew.

Q They are not claiming citizenship are they? A No sir not at all.

Q One other thing. We all of you own farms here in the Creek Nation, and thickens together I mean? A Yes sir.

Q All that you have that is in the Creek and Thlopthlocco Nations? A Yes sir.

Q They have nothing anywhere else? A If any of them have anything outside I don't know it. I don't think they have enough.

CROSS EXAMINATION BY . . . .

You say this was in October or November of 1[illegible]. Whitehead- it was in October or November was it not that you appeared before the Supreme Court? A Yes sir.

Q Did John Hull go Mr. James Brown there with you? A Yes sir.

Q The three of you went to Council? A Yes sir. Well, some of our children were there.

Q Some of your children were there? A Yes sir.

Q You say you stated to the Supreme Court that you thought the names of the children should ought to be included in their judgment? A Yes sir.

Q What led you to think so? A Well, I can't know as I could tell you that. I just thought they was ought to be there.

Q You thought they all ought to be there didn't you? A Yes I can tell you why. When I first - - I spoke to all lawyers Walker Tandy Walker, and asked him who would be a suitable man to write up a petition. They told me I would have to make a petition. Well, he just pointed me out to Tom Ainsworth. I knew he was a lawyer but I didn't know he was a lawyer and he was taking all the names down and Hull and Jones got off a little piece and talked a little and they called me out there and said 'We think we had better get a lawyer to tend to it if it does not something' I said all right. Well if I had known that Ainsworth was a lawyer I never would have gone to another.

Q Who did you go to? A Campbell Lefloore.

Q Campbell Lefloore was a citizen of the Creek Nation? A Yes sir.

Q Practicing law before the Creek courts and council? A Oh yes.

Q Did you have any witnesses before the Supreme Court Mr. Whitehead? A Yes sir.

Q Who appeared before the Supreme Court as your witnesses?

A I had with Hull, Robert Jones and old Tandy Walker and Mrs. Lash. She only made her testimony, and Mrs. William Gardner.

Q Did you have any children who lived in Texas after you came here? A Can.

Q How long did he remain there? Well again, it has been so long I can't tell you.

Q He came here several years afterwards did he? A Yes sir.

Q He was not living here when this act of admission was rendered? A No sir.

Q Did not live here until several years afterwards? A Yes sir

Q Is he claiming rights of citizenship? A Yes sir.

Q When he moved here several years after that time, did he go before Council to be admitted? A No sir.

Q Then he was not admitted by act of Council when he moved here? A No he went to the officers, I don't know which one only Gardner and he said just associate with the leading characters here and let them know who you are.

Q What is his name? A William Lafayette.
Q Is he living now? A Yes sir he was a short time ago.
Q Was he a married man when he moved to the Indian Territory.
A Yes sir.

Q Was he an grand children or just children? A He had only one grand child and two living children.
Q Has one grand child and two children? A Yes sir.
Q They are now claiming citizenship of course, they are now claiming to be Choctaw Indians? A Yes sir.
Q What about the children of Mr. Jones. What children did Mr. Jones have at that time? A I think they had seven children when they came and five born after.
Q Seven children when they came and five born afterwards? A I think that is it.
Q Did the seven all come with him? A Yes sir.
Q They have all lived here since that time? A All lived here since that time.
Q What about Mr. Hull's children. What children did he have at that time? A Two single and some of them came the year before and they all I think came with him. Then that was married came with him.
Q Well, the Hull man was your sister's husband is not now living? A No sir.
Q He is not the John Hull who is now applying? A No sir.
Q This is his son? A Yes sir.

ALINTON TELLE being duly sworn by Acting Chairman Webb, testified as follows:

By Mr. Reeves:
Q State your name? A A. Telle.
Q What is your age Mr. Telle? A Forty one years.
Q You are a Choctaw Indian by blood? A Yes sir.
Q Born and raised in the Choctaw Nation were you? A Yes sir.
Q What official positions have you held in the Choctaw Nation?
A I have held several positions. The longest position I have held was National Secretary.
Q Have you held the position of National attorney for the Choctaw Nation? A Yes sir.
Q You have been a practising attorney in the Choctaw courts for how long? A For nineteen years.
Q During this time you have examined the laws of the Choctaw Nation on various questions and especially in regard to the question of citizenship have you, Mr. Telle? A Yes sir.
Q Now, state Mr. Telle, if prior to October, 1872, there was any law of the Choctaw Nation requiring Choctaws coming to this country to be admitted in order to enjoy the benefits as Choctaws?
What was the date?
Q October, 1872? A My recollection is there was not. The law that you refer to - I think the law that is on file there with the Commission - is the first law and I think it was passed at a special term in 1872 earlier than October.
Q What time in 1872? A I think in April. I have forgotten the date exactly.
Q Then prior to that act they had no law requiring persons to be admitted by the Choctaw council or by the courts or in any other manner in order to enjoy the privileges as Choctaws? A I have never been able to find any law they required Choctaws to be admitted by any act of Council.
Q If a Choctaw came to this country and the officials of the Choctaw Nation recognized him as a Choctaw prior to that act, then he took the privileges as a Choctaw and was duly recognized was he?
A That is my understanding.
Q As a matter of fact a great many of the Choctaws that are now in the Choctaw Nation have come here and have never been

admitted by any act at all have they Mr. Tolle, and are now recognized? A Yes sir, a great many of them, possibly four or five hundred, I mean by that people that did not come at the time of the emigration provided by the treaties but who simply emigrated; simply came out here afterwards. They came all the way from the time of the emigration in the thirties up to this time in 1872 when the law was passed.

Q Were you a member of a Commission that made the rolls of the Cheetaws in 1896? A Not in the Cheetaw nation.

Q Were you in the Chickasaw nation? A I made the roll in the Chickasaw nation of Cheetaws residing in the Chickasaw nation.

Q Were you a member of the Commission that made the roll in the Cheetaw nation in 1896, I believe it was, or 1897? A No sir, not in the making of the rolls.

Q What position did you hold in that regard, in connection with the citizenship business? A No connection with it at all in 1896 or 1897 either.

Q Now being acquainted with the laws and customs of the Cheetaw nation, Mr. Tolle, in the preparation of the Leased District roll were persons of white blood put on as Cheetaws or were only Cheetaws by blood placed on the roll? A Only Cheetaws by blood.

Q Your commission determined the question of blood? A That is we enrolled them. Then there was a kind of revivory board that passed on all of them. I think from the rolls that we made in the Chickasaw Nation of Cheetaws residing there, possibly they cut out four or five .

Q And then the Leased District payment was made to those remaining on the roll after the revivory board had gone over it?

A Yes sir.

CROSS EXAMINATION BY MR. CORNISH:

Q Mr. Tolle, you stated that you were National Attorney for of the Cheetaw Nation? A Yes sir.

Q How long have you been National Attorney? A About a year and a half.

Q You were a member of the citizenship commission of the Cheetaw nation appearing before the Dawes Commission, were you not?

A I was simply clerk of the Commission.

Q How long were you clerk of the Commission before the Dawes Commission? A I have been figuring that up.

Q Since the fall of 1895? A Either the fall of 1897 or 1896. It was the first --

Q Yes - well - you have given a construction as you understand it of the laws, customs and usages of the Cheetaw nation as to citizenship matters? A Yes sir.

Q You are an attorney in this case are you not? A I am, yes sir.

Q Do you know of any other act of Cheetaw Council through which persons claiming Cheetaw citizenship, that does not specifically mention the names of all the persons living at that time upon whom it is desired to confer citizenship? A No sir, I know of no act specifically on the statute [illegible] Now there is one - there are possibly one or two that allowed people to stay here; permitting

Q Possibly one or two? A Yes sir, I remember that in the old J. P. Folsom code. Code made in 1869 by J. P. Folsom. I see there that they allowed a white man to stay there on account of his marriage - or during good behavior I believe.

Q That is an exception or two I believe? A And then there was a band of what they called Kilmucha. It seems that they were really Cheetaws and in attempting to come to this country, not knowing the geography of the country went south of here and finally stopped up in the Caddo country and what is known as the Leased District. They spoke the Cheetaw language and had the customs of the Cheetaws and some time long about the year 1858 I believe, - I

simply speak from memory, that relates those Milamians to come over here as Cherokees.

Q You think Marshall and Jones people don't wish to be Milamians or that? A No sir.

Q Going back to the question. Do you know of any other act of the Cherokee Council that assumes to confer citizenship on persons that does specifically name them .you know it is desired to confer on Cherokee citizenship? A No sir.

Q You don't knowof any other act? A No sir, I don't.

Q You stated that you are familiar with the laws of the Cherokee Nation, have held various positions and practiced law before the Cherokee courts? A Yes sir.

Q You are reasonably familiar with the Cherokee laws are you not? A Reasonably so, yes sir.

Q About how many acts would you say there are of the Cherokee Council that have been passed since they began that business, about how many acts? A I don't know.

Q You could guess at it wouldn't you? A I have copies of the pamphlets and could refer to them.

Q They are exceeding one hundred are they not? A I would not say as to that.

Q I would like to have you view it an idea. If you will let us put it broad.

Q There are a great many acts are they not? A Yes sir.

Q Well, now your opinion that they would exceed fifty acts specially conferring citizenship. I suppose you would not hesitate to say they exceed fifty would you? A I would not say as a matter of fact I don't believe they do exceed fifty. There are a great many acts referring to citizenship but most of them refer to rejected cases.

Q There are a great many . You would not care to fix the number? A No sir.

Q Now of all that number, be it fifty, sixty, forty or two hundred, you don't know of any act that assumes to confer citizenship that doesn't name the parties specifically do you, except this act of Marshall, Jones and Vuli, do you? A Well, sir, to tell the truth, I don't know any act that requires it at all.

Q My question is this. You state there are a great many acts? A Yes sir.

Q Ranging it may be from forty, fifty to two hundred, there are a great many acts? A I don't say so.

Q This is my question. Of that number of acts, now do you know of any other act that assumes to confer citizenship upon persons that does not specifically name the persons upon whom it is desired to confer citizenship that does not specifically name the persons in it? A Yes sir, I do.

Q Will mention them? A I know one or two. One is a case of Henry Marshall.

Q Henry Marshall. What other? A J. M. Plummer.

Q What other ? A In the acts of 1842 you will find a list passed on that didn't name anyone but the claimants. Sometimes had the word 'family' and sometimes not.

Q Are those the only ones you know? A Well, there are several names included in this list. The Council made a general list and where John Smith appeared, maybe said husband and children, or wife and children.

Q What act is that now? A I think about the year 1842.

Q Who were those persons? A I couldn't say.

Q Were they Mississippi Cherokees who had just joined the people here? A No.

Q Were that not Mississippi Cherokee people? A No sir.

Q Where did they come from? A They were sent at Council.

William Buckholts Ex ?

Q Then did they come from? A They were read at Council.
Q Well, where did they come from. A They lived here.
Q How long had they lived here? A I don't know.
Q How long have they been from Mississippi? A They were not Mississippi Cherokees.
Q But you don't know that they were Indians who had come from Mississippi. A I could not say. I knew all some of the people have been living here as long as I could remember.
Q But you are not able to state that they did not come direct from Mississippi to the Cherokee Nation? A I think I am in some of the cases.
Q Are you able to state in all of the cases? A No sir, I am not.
Q Is it not a fact that in the Plummer case after an act had been passed naming the heads of the families that those parties appeared before the Council and all parties naming were mentioned?
A Yes sir, I prepared the act myself.
Q Why did you prepare the act? A The reason for that is this: One of the Plummer boys had been elected to the Council. He had gone through the election and was elected to Council and had a seat as a member of the Council and it seems that some one suggested the idea that they could not find his name admitted by act of Council.
Q Some one suggested that? A Yes sir, who it was I could not say.
Q Suggested that as a reason why he should not be elected to Council? A I could not say.
Q There was a question raised though? A Yes sir.
Q Why was the act amended? A Well, I heard it and I had been one of their supporters and I wanted no question raised. Of course with my information I could see the possibility of a question being raised so I filed a supplemental petition to the original, setting forth that they had been recognized and one of them was at that time sitting as a member of Council, and I thought it was safer for the family. And filed the act and admitted the whole family.
Q Were you one of the ones who raised this question? A No sir.
Q Who raised it? A I don't remember.
Q There was a question raised? A I heard it.
Q Raised in Council? A It was outside talk.
Q It was in response to the question that was raised that you drew the act was it not? A Indirectly you might say it was.
Q You were a practising attorney at that time? A Yes sir.
Q And were familiar at that time with the laws, customs and usages of the Cherokee nation? A Yes sir. I knew it was no matter but simply did it as a matter of precaution.
Q As a matter of precaution you drew the act and had it passed? A Yes sir.
Q When did the Cherokee Council pass a law requiring the names of all persons upon whom it was desired to confer citizenship presented to the Supreme Court? A I don't remember any such law sir. There is no law to that effect.
Q My understanding was from Mr. Wallis that in 1872, - he asked you that prior to that time there if there was any law requiring any one to be admitted? A There was no law before then.

By Mr. Tinsley. Is this evidence or not.
Mr. Wallis ? I don't know.
Mr. Tinsley. Is it in reply to your question? A I presume it is.

A There were people living here who never were here until that time, some of the most prominent families, come in fifty or sixty. They never had to be admitted to citizenship and that act in 1872 was the first act that was ever recognized.

Q Do you state that as your opinion or as a fact? A A fact. A matter of law and record.

Q That is the first act of the Choctaw Council admitting specific specific persons to Choctaw citizenship? A Yes sir. Now there - there was another act passed later on. It didn't relate specifically to the method of making applications except one part of it. That was that it required a receipt from the National Treasurer of a payment of one hundred dollars for each name asked to be enrolled.

Q When was that? A In 1888, I think.

Q Considerably later than that? A Yes sir.

Q Then you stated as a matter of law and fact that this Buckholts, Jones and Wall act was the first act of the National Council admitting persons to Choctaw citizenship A This was not an act of Council.

Q Well an act of the Choctaw authorities? A Yes sir, in 1872.

Q Do I understand now as a matter of law and fact, that it is the first act of the Choctaw authorities specially granting Choctaw citizenship to persons? A Under the law yes sir. They were the first people. It was the first case that came up under the new law.

Q Under the new law? A Under the law of 1872.

Q Conferring this jurisdiction on the Supreme Court? A Yes sir.

Q Then you state there is no act of Choctaw Council prior to that time specifically conferring citizenship upon applicants? A I know of none.

Q Didn't you state, Mr. Twine - I don't believe you were quite accurate in your statements - your opinion as a lawyer or do you state it as a matter of law that there wasn't any law prior to the law in 1872? A There was no Choctaw law requiring citizens to prove their right to Choctaw citizenship prior to this act of 1872. That's the law.

Q Here is what I understand your answer to mean. I understand that you stated that there was no law prior to 1872 of the Choctaw Council or the Choctaw authorities prior to the admission of these Buckholts, Jones and Wall families that conferred or assumed to confer citizenship upon individual persons? A Oh, I would like to understand you first. I gave you some exceptions and you said these exceptions did not apply.

Q As I understood you to state a minute ago, this was the first act of Choctaw authorities conferring or assuming to confer citizenship and before that time did not confer citizenship?

Mr. Wells? I would like to understand you myself.
Mr. Cornish. I am not mixed at all. If you understand English you will understand this.

Q Is this the first act of the Choctaw Council or the Choctaw authorities conferring citizenship upon specific persons, upon persons naming them? A No sir, it is not. There are these exception that I spoke of.

Q Prior to the admission of the Buckholts people? A Yes sir.

Q Then there are acts of the Choctaw tribal authorities specifically conferring citizenship upon persons prior to that time are they not? A No cases of this kind.

Q Perhaps there are different cases, different persons and people but they are persons, people admitted prior to this time?

A I could not say they were admitted . You use a word there that was not known to the statute at that time.

Q I will amend the word. A There were some permitted to live here. They were white people or people of no Indian descent but they allowed them to stay here?

Q That was prior to the Buckholts admission? A Yes sir.

Q These Silukchas you speak of? A Yes sir these were specific acts.

Q These people are specifically named in the act were they not? A Who?

Q These people that were permitted to stay here? A Yes

mean the Riluksha?

Q I mean all persons who were permitted to stay here. They were in the act were they not? A No sir, not all of them. Just heads of families.

Q Is this a clear recollection of the law or just as you remember it. A My recollection and I have seen them. One of the old descendants is living up here in Tobuskey County by the name of Telu Pass, his English name is Charley Veal.

Q Now these Rilukshas you spoke of being permitted to live here, were they not admitted to citizenship? A I could not say. I could not say that the word citizenship appeared as used now.

Q Now these Buckholts people claim to have full rights of citizenship? A Yes sir.

Q Now is there any act of the Choctaw tribal authorities prior to the admission of the Buckholts people that confers or assumes to confer full citizenship upon persons, specifically named? A No sir, there is not. No sir.

Mr. Ralls:

Q As I understand, you stated Mr. Tolle, that law of 1872 was the first act of Choctaw Council requiring persons to prove up citizenship? xxx Was that the act conferring jurisdiction on the Supreme Court? A Yes sir.

Q But prior to that time the Choctaw Council had passed some specific acts in regard to persons residing in the Choctaw Nation permitting them to remain, or recognizing them to that extent? A Yes sir.

SIMON K. LEWIS being duly sworn by Acting Chairman Bixby, testified as follows:

Mr. Ralls:

Q Your name is . K. Lewis? A Yes sir.

Q How old are you Judge? A Fifty nine.

Q How long have you lived in the Choctaw Nation? A Born here.

Q What official positions have you held in the Choctaw Nation? A I have held a good many.

Q You are a citizen of the Choctaw Nation? A Yes sir.

Q You have acted as one of the Commissioners of the Choctaws in preparing the rolls that have been made by the Choctaw Nation have you? A Yes sir.

Q You are at present one of the Choctaw Commissioners? A Yes sir.

Q Representing the Choctaw Nation in the hearing of the protest cases? A Yes sir.

Q Of persons claiming citizenship in the Choctaw nation? A Yes sir.

-or

Q Were you a Commission that assisted in the preparation of the rolls of 1893? A No sir.

Q Were you one in 1896? A Yes sir.

Q What part of the Choctaw Nation did you work in? A There was two boards that worked on this.

Q When the first roll was made? A I made the roll of the Chickasaw Nation, of Choctaws residing in the Chickasaw Nation. Afterwards, the roll that was made of the Choctaw Nation was very incomplete and there was another board formed to go over that roll again and I was Chairman of the Board for the first district and was afterwards a member of the board that refined that roll at Tushkahoma.

Q Where you in were in the Chickasaw Nation making the rolls of Choctaws in 1896, did you enroll any of the descendants of Mr. William Buckholts, R. T. Jones or John Null? A Yes sir.

Q Who was it you enrolled, Judge? A Well, I think old man Buckholts himself happened to be up there and I think I enrolled

him up there. I remember John Wall was at Tishomingo and I don't remember exactly where he enrolled. I think we enrolled some of the Buckholts people up there.

Q Do you know Frank Plate? A Yes sir, we enrolled them.

Q And W. D. Bailey? A Yes sir.

Q You were acquainted with the condition of their citizenship at the time, were you not? A Not particularly but I had a copy of the 1893 pay roll. And I noticed they had all drawn their money.

Q Now, Judge, are you acquainted with the different provisions of the Choctaw laws in regard to the admission of persons to citizenship? A Yes sir, pretty well.

Q Was there any law of the Choctaw Nation prior to this act conferring jurisdiction upon the Supreme Court of the Choctaw Nation in 1872 requiring persons to prove up citizenship or to be admitted by any act in order to enjoy the privileges of Choctaws? A I don't remember that I ever saw that law. I was just looking over it a moment ago. I don't think I ever saw the law but it was passed sometime about seventy one or two.

Q Was there any law prior to that time? A No sir, there was no law requiring Choctaws who came here and come from Mississippi to prove up their right. They just came here and settled down as there were old people enough to identify them at that time.

Q Then Choctaws coming here and identified by Choctaws who were here, would be recognized by the Choctaw authorities and treated as members of the Nation? A Yes sir.

Q There are a great many of the Choctaws that came here. A I know of two families down by Skullyville since the war I know never was admitted.

Q What are their names? A Wadkins, married Campbell Leflore's sister, and his family. Puryea and Captain Reynolds and his family.

Q Who composed the revisory board at Tushkahoma when you made up the roll? A Alexander Durant was Chairman, myself and Ben Wadkins. That is the 1896 roll.

Q Do you know who composed the revisory board when the roll for the payment of the Leased District money was made? A The Governor and his cabinet, whoever they were at that time.

Q Do you remember their names? A Governor Jones, William W. Nelson was treasurer, Jacob Jackson Secretary.

Q Who was National Attorney? A I believe I am mistaken about the treasurer. I expect McCurtain was the treasurer. I am not certain. They changed hands about that time. Nation Attorney- I don't remember who that was.

Q And they were supposed to take off the names of all these who were not recognized citizens were they? A Yes sir.

Q And recognized by blood? A Yes sir. Besides that there were a great many that had got left over and did not get enrolled and they went down there and was enrolled by that board.

Q Are the Commissioners appointed by the Choctaw nation objecting to the enrollment of these descendants of Buckholts, Jones and Wall? A No sir.

Q They are willing that they should be enrolled? A We raised no objection. Well, there might have been some of the Commissioners up in the Chickasaw nation. There was objection raised up there by some of the Commissioners. I don't know.

Q In your opinion and being acquainted with the laws and customs of the Choctaws are you, or would you say, that they are recognized citizens of the Choctaw Nation or not? A They have always been. The first time I got acquainted I sat some on the jury Judge Vincent was judge and he got crippled and I come down here to hold court for him. I found them on the jury. I asked who they were and they said Choctaws who had been admitted.

Q Knowing the case as you now know it, what would be your opinion as to their being recognized citizens? A I would not like to give my opinion. The Dawes Commission is settling that.

William Buckholts 11

CROSS EXAMINATION BY MR. CORNISH.

Q These two families you speak of as being recognized with an act of the Choctaw Council, is it not a fact that they came direct from Mississippi to the Choctaw Nation? A Yes sir.
Q Came direct from the old Choctaw Nation to this country?
A Yes sir.
Q These Buckholts people; where did they come from? A I don't know. I wasn't acquainted with them until in 1884.
Q Is it your understanding they came from Texas here? A I have heard some of the witnesses state that.

WILLIAM BUCKHOLTS being recalled testified as follows:

RE-CROSS EXAMINATION BY MR. CORNISH.

Q You state you moved from Texas to the Indian Territory? A Yes sir.
Q How long had you lived in the state of Texas before removing to the Indian Territory? A Twenty one years.
Q Where did you live? A Smith County.
Q Did you own a farm there? A Yes sir.
Q You owned property there? A Yes sir.
Q What property did you own in Texas? A One hundred and eighty some odd acres in one tract of land and over two hundred in another.
Q What was in Texas? A Yes sir.
Q Well go ahead. A I had some niggers before they were set free.
Q You voted in the state elections, state and national elections? A Yes sir.
Q You were a citizen of the state of Texas? A Yes sir.
Q Did you ever run for office? A No sir.
Q Never held office? A No sir.
Q How long did Mr. Jones live in Texas, Mr. R. T. Jones?
A I don't know, sir.
Q What is your understanding about it? A He claimed that he came there in fifty four or five.
Q In fifty four or five and lived there until 18?? A Yes sir.
Q All right. He lived there a great many years then? A Yes sir.
Q Did he own property in the state of Texas? A Yes sir he owned some land.
Q Did he vote in the state and national elections in the state of Texas? A I suppose he did. But I don't remember that I ever saw him vote.
Q You never saw him vote? A I don't know as I did.
Q How long had Mr. Hall lived in Texas? A He moved there when I did.
Q And left there when you left? A Yes sir.
Q Did he own property in the state of Texas? A Yes sir.
Q Did he own land? A Yes sir.
Q And other property? A Yes sir.
Q Did he vote in the state and national elections? A Yes sir.
Q He was a citizen of the state of Texas and recognized as such? A Yes sir.
Q Where did you come from to Texas? A Mississippi.
Q When did you leave Mississippi? A I left Mississippi in the fall of 1850.

Q How long had you lived in Mississippi, Mr. Buckhalts?
A I lived in Mississippi about eight years.
Q About eight years? A Yes sir.
Q Where did you come from to the state of Mississippi? A Well let me go back and start and come forward.
Q Well. A I was born in Smit County, Mississippi, near the Louisiana line and when I was about six years old my parents moved to the old Choctaw Nation which is now Sumpter County. Lived there until I was twenty four years old. Started to Texas and stopped in Louisiana.
Q How long did you live in Louisiana? A From the first of May to the first of November when I come back to Mississippi and stayed there eight years and then I started to Texas again.
Q You say you were born in Mississippi? A Yes sir.
Q Now, did your father move out of Mississippi? A Yes sir.
Q Where did he move to? A To the old Choctaw nation.
Q From this county where you were born up to the Choctaw Nation
A Oh, no, he moved from Smit County to the old Choctaw Nation.
Q And you lived there until you were how old? A Twenty four
Q Now you and Mr. Bull and Mr. Jones lived in the state of Texas ~~[illegible]~~ many years before moving to the Indian Territory?
A Yes sir.
Q Owned property there and voted there? A Yes sir.
Q And were citizens of the state of Texas? A Yes sir.
Q How did you come to move to the Indian Territory? A Well, I can give you the history of it if you want it. When the niggers were set free I knew that I could not furnish homesteads for all my children, and I just told them, I had been up here about '67, 1867, I had been up here and I told them, says I, I have plenty of relatives there and I know I can prove it and if you will just all agree, we will pull up and sell out and you can get homes for yourselves.
Q Then you come here to get homes for yourself and family.
A I came because I knew I was a Choctaw.
Q You come here to get homes for yourself and family? A Yes sir of course.

RE DIRECT EXAMINATION BY MR. BAILEY.

Q Then did you all sell out in Texas and come over here?
A Yes sir.
Q Did these witnesses that you had before the court know you when you were in Mississippi? A Yes sir.
Q They know that you had come from Mississippi? A Yes sir, they know me in Alabama.
Q What family of the Choctaws did you come from? A Eadee Brashears.

By Mr. Teller:
Q That Sumpter County you spoke of is in Mississippi or Alabama? A Alabama.
Q The state lines have been made since that time have they?
A Yes sir, a little of the old nation run into Alabama and it was in Sumpter County.

RE CROSS EXAMINATION BY MR. GORMAN

Q This county in which you were born was not in the old Choctaw Nation in Mississippi? A Oh up next the Louisiana line.
Q And after you were born your father with you moved into the old Choctaw Nation? A Yes sir.

Myra Yeary, having been first duly sworn states that as stenographer to the Five Civilized Tribes, she reported in full

William Bachmann 18

all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct longhand transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 11th day of December, 1900.

Acting Chairman.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF JAMES M. BUCKHOLTS ET AL

TO BE ENROLLED AS MEMBERS OF THE CHOCTAW NATION:

The deposition of Joel Everidge taken at the residence of Joel Everidge about nine miles east of the town of Grant, in the Central District of the Indian Territory, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon on the 8th day of January A.D.1901, to be used as evidence in behalf of the above named applicants and all the descendants of William Buckholts, John Null and R.T.Jones and in behalf of all persons having married any of such descendants, pending before the Commission to the Five Civilized Tribes.

Joel Everidge after being duly sworn deposes and says: I am 72 years old, a citizen of the Choctaw Nation by blood and a resident of Kiamitia County, Choctaw Nation. I am one of the Supreme Judges of the Choctaw Nation. I was first elected to the office in the year 1868 and have served in that capacity every years since that year with the exception of four years during which time Judge J.R.Turnbull served. I was on the bench when the application for citizenship in this nation was presented by William Buckholts, R.T.Jones and John Null. The Court took up the case and examined the witnesses thoroughly. The witnesses were all Choctaws by blood and perfectly reliable. The Court being satisfied that Wm.Buckholts was a Choctaw by blood and that R.T.Jones was entitled to inter-married rights by virtue of his marriage to the daughter of Wm.Buckholts and that John Null was entitled to inter-married rights by virtue of his marriage with a sister of the said William Buckholts, rendered a decision in their favor naming only the heads of families. This was the first case of this kind ever passed on by the Court. At that time it was not considered necessary that the Children should be named. I remember that William Buckholts asked if it was necessary to name the children and the Chief Justice I.L.Garvin informed him that if the parents were Choctaws the children certainly were Choctaws. This case was decided under authority conferred on the Court by an Act of the General Council passed in 1872. Previous to this act there was no law of the Choctaw Nation requiring persons to prove up their citizenship. Citizenship at that day and time was not considered as being of the value that was placed on it in after years and at the present time. Even to this day there is no law specifically requiring the children to be named but the practice of late years by the Citizenship Committees of Council has been to have them named, owing to the great number of applicants, for its information.

JOEL EVERIDGE.

United States of America,
Indian Territory.

I, William Beadles, a Notary Public within and for the Central District of the Indian Territory, do hereby certify that the foregoing deposition of Joel Everidge, was taken before me and was read to and subscribed by him in my presence, at the time and place and in the action mentioned in the caption. The said Joel Everidge having been first sworn by me, that the evidence he should give in the matter should be the truth, the whole truth and nothing but the truth: I further certify that his statements were reduced to writing in his presence, the applicants not being present in person and being represented by A. Tellq one of their attorneys and the Choctaw and Chickasaw Nations not being represented by their attorneys although properly served with a notice as evidenced by the return hereto attached.

Given under my hand and official seal at the above named place within the Central District of the Indian Territory this the 8th day of January A.D.1901.

(SEAL)

WM. BEADLES
Notary Public.

NOTICE FOR EXAMINATION IN FIVE CIVILIZED TRIBES.

In the matter of the Application of
James E.Rockholds of P.O. to be enrolled Notice to take Depositions,
as members of the Cherokee Nation.
vs
Mansfield, McMurry and Cornish, Attorneys for the Cherokee and
Chickasaw Nations.

You are hereby notified that the Applicants, James E.Rockholds, et al, will take the deposition of Judge Joel Bentley at his residence in the said Federal Town Bentley about eight miles south of Ochelata in the Central District of the Indian Territory, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon on the eighth day of January, A.D.1902, the said deposition then and there to be used before the Commission to the Five Civilized Tribes by the said Applicants in their application to be enrolled as members of the Cherokee Nation and to be used in behalf of all of the descendants of William Rockholds, E.T.Jones and John Fall, and in behalf of all persons claiming to be enrolled as intermarried citizens who have carried any of said descendants. And if the taking of said deposition be not completed on the said day, the taking thereof will be continued from day to day at the same place and between the same hours until completed.

J.C.RAGLE,
YAGLE & CHANNING
Attorneys for Applicants.

United States of America,
Indian Territory, ss
Central District.

I, Jasper P. Grady United States Marshal for the Central District of the Indian Territory do hereby certify that I received the above and foregoing notice at the hour of 8.30 o'clock A.M. on the 24th day of December, 1900, and that I served the same at the hour of 4.30 o'clock P.M. in the town of South McAlester in said District and Territory, by delivering a true copy thereof to Melvin Cornish, a member of the law firm of Mansfield, McMurry & Cornish.

Witness my hand this the 28th day of December, 1900.

J. P. GRADY,
U.S.Marshal, per aforesaid
by Robt.Perkins, Deputy.

Fee for serving 10 pts.
Paid by J.C.Ragle,
J.P.Grady,
U.S.Marshal.

United States of America,
Indian Territory,
Central District.

I, WM. BEADLES, a Notary Public within and for the Central District of the Indian Territory, with office at Grant, I.T., do hereby certify that the above and foregoing is a true and correct copy of the deposition of Joel Everidge taken before me on the 8th day of January 1901, and that the copy of the notice thereto attached is a true and correct copy of the original notice attached to said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal as such Notary Public aforesaid, at Grant, in said district and Territory this 7th Day of February, 1901.

Wm Beadles
Notary Public Aforesaid/

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of James M. Buckholts for the enrollment of himself and his two children, Rebecca and Allie Buckholts, as citizens by blood of the Choctaw Nation. ----D 357---

On this 9th day of April, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, the applicants appeared by their attorneys, J. G. Ralls, and A. Telle, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray and Cornish, whereupon the following proceedings were had:

Mr RALLS: We wish to introduce some evidence in support of this case, and which is to apply also to other members of this family who have applied for enrollment.

Mr CORNISH: There will be no objection by the Choctaw Nation to the introduction of this testimony at this time.

WILLIAM BUCKHOLTS, being called as a witness, and having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A William Buckholts.
Q What is your post office address? A Wapanucka, Indian Territory.
Q How old are you? A Eighty four years oldthe fifth day of last January.
Q How long have you been living in the Choctaw Nation? A I moved here across Red River on the first day of March, 1872.
Q You are a recognized citizen of the Choctaw Nation? A Yes sir.

Examination by Mr Ralls:

Q Are you acquainted with James M. Buckholts? A I ought to be he is my oldest son.
Q You are acquainted with his wife and children? A Yes sir.
Q Are you acquainted with Francis M. Jones? A Yes sir.
Q Is he related to you? A He is my grandson.
Q Do you know Nathan H. Simmons? A Yes sir.
Q Is his wife related to you? A Yes sir, he married my granddaughter. Francis and Lizzie are brother and sister.
Q Are you acquainted with John Null who is living at this time? A Yes sir.
Q What relation is he to you? A I am his uncle.
Q Were you acquainted with his father? A Yes.
Q His father married your sister did he? A Yes sir, my oldest

sister.
Q Are you acquainted with R. T. Jones? A Yes sir, he married my oldest daughter.
Q Yourself, R. T. Jones, and the old man John Null were admitted to citizenship by a decision of the Supreme Court of the Choctaw Nation in 1872? A Yes sir.
Q You are acquainted with most all of the descendants of R. T. Jones and John Null, are you? A Yes sir.
Q Your people have been recognized as Choctaws by blood, have they, since your admission by the Supreme Court? A Yes sir, never a word said until 1898, I believe.
Q Your mother was Elizabeth Brashears? A Yes sir.
Q What name did she go by at the time she was enrolled? A She went by the name of Elizabeth, but grandfather always called her Betsey and he had her enrolled.
Q Had her enrolled as Betsey Buckles? A Yes sir.
Q I notice the spelling of the name Buckholts as Buckles--Can you explain that? A Yes sir, it is called I reckon ten times more correctly now than it ever was until I can here; they called me Buckles all the time, but there was a Buckles who kept Wright's mill, and they got to calling me Buckholts.
Q What relation are you to Betsey Buckles who appears on the list of Mississippi Choctaws? A She is my mother.
Q Did she get land there in Mississippi? A Yes sir.
Q Under what treaty was that? A 1830.
Q Do you know any other name for that treaty---in relation to where it was made---Do you know any name being given to that treaty?
A I think---
Q Well, do you know whether or not it was known as the Dancing Rabbit Creek treaty? A Let me understand you.
Q Did you ever hear it called the treaty of Dancing Rabbit Creek?
A Yes, many a time.
Q You lived in Mississippi at that time did you? A No, lived in Alabama.
Q What place in Alabama? A It is now Sumter county; it was then the Choctaw Nation.
Q That was near the state line was it not? A Yes sir, I was within about two and one half miles from the Tom Bigbee River and that was the line.
Q And where was the land your mother got for herself and children with reference to the Tom Bigbee River? A None of it touched the river, but then it was close to it.
Q Did your mother die there? A Yes sir.
Q Do you know whether or not a patent wasissued to her for that land
A They got the patent before either of them died.
Q What time did she die? A I think mother died in September,1837., and I think father died in June 1838.
Q Was your father a white man or an Indian? A He was a white man.
Q You all lived there on that land until the death of your father and mother? A Yes sir.
Q Who administered on the estate if anybody? A My oldest brother.
Q What was his name? A Augustus.
Q What was the name of your sister who married John Null? A Sarah H. Buckholts.
Q Is she living or dead? A She is dead.
Q How old would she be if she were living now? A Augustus was born I think in September 1813, Sarah was right after him, Caroline next,

and I was the next, and I was born on the 5th day of January, 1818; Sarah must have been born about 1818 somewhere about that--I used to have the record.
Q How much land did your mother get? A She got four sections and a quarter.
Q Do you know where the original patent to that land is at the present time? A It is recorded in Livingston, the county seat of Sumter County, Alabama.
Q Do you know what became of the original patent that was issued by the government? A That is the ont, but I don't know where it was--what became of it---I moved away from there before my brother died.
Q These people here in the Choctaw Nation known as the Jones, Buckholts and Null people are all descendants of Betsey Buckholts? or Buckles? A Yes sir.
Q I notice that in Volume 8, American State Papers, Betsey Buckles is listed as having five children over ten years of age, and three children under ten years of age? A Four isn't it?
Q Do you know whether or not the name appears at any other place and gives the number of the children different to that in any respect; if so, state how it a ppears different in regard to the ages of the children? A I don't know that I can--I was with my sister when she gave in her testimony, and she said she was enrolled as being over ten years, and I told her that was wrong; and she said that the enrolling officer told her that she was so nigh ten that he out it ten and in 1830 she was only nine. When the enrolling officer came next year to enroll her they said she was so nigh ten, they put her ten, and the officers of the government found it out of course and put her down as under ten a nd the patent gave her land for four children over ten and five children under ten and her own section made four section and a quarter, and I know that was the amount that was on the patent.

Examination by Mr Telle:

Q Was Caroline Hazel one of your sisters? A Yes sir.
Q Is she living? A No sir.
Q Do you know her children? A Yes sir, most of them.
Q Do you know whether she had a daughter who married a man named Holder? A Yes sir.
Q Do you know the children of that woman that married Holder? A I knew her before she married Holder.
Q Do you know any of her children? A Yes, she had a daughter Minnie Holder.
Q Do you know whether she is married and what her name is now? A No sir.
Q This Minnie Holder is a granddaughter of your sister Caroline Hazel? A Yes sir.

(Witness Excused)

Mr RALLS: These applicants are not applying as Mississippi Choctaws.

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Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes

James M. Buckholts-----4

he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry L Kisteen

Subscribed and sworn to before me this 10th day of April, 1902.

Clarence Stillwood

Notary Public.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Francis M. Jones for the enrollment of himself and his seven minor children, Lenora M., Robert M., Jesse F., Walter A., Albert L., Claude O.,and Roy D. Jones as citizens by blood of the Choctaw Nation, and for the enrollment of his wife Id a M.Jones as an intermarried citizen of the Choctaw Nation.

----D 354----

On the first day of March, 1902, the principal applicant was notified by registered mail, and on the sixth day of March,1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Francis M. Jones, Ida M. Jones, Lenora M.Jones, Robert M. Jones, Jesse F. Jones, Walter A. Jones, Albert L. Jones, Claude O. Jones, and Roy D. Jones for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and the applicant appeared by his attorneys, J. G. Ralls and A. Telle.

STATEMENT BY COUNSEL:

Mr RALLS: Reference is made to Leased District Pay Roll of 1893, Blue County, Choctaw Nation, page 63, Nos. 658, 659, 660 and 661, wherethe name of the principal applicant together with three of his children appear; reference is also made to the 1896 Choctaw census roll, No.7162. We ask that the testimony in the case of James M. Buckholts, et al., No. D-357, be made a part of the testimony in this case insofar as the same may be applicable. I would also state that the wife of the principal applicant claims to have been admitted as Ida Jones by the Dawes Commission in 1896, from which no appealwas taken.

BY THE COMMISSION:

This case will be considered by the Commission upon the record as now made up.

---o---

Harry C Risteen,being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized

Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risden

Subscribed and sworn to before me this 10th day of April1902.

Harry M Shellwood

Notary Public.

Certificate of Marriage

THIS IS TO CERTIFY THAT

I have this day joined in

MARRIAGE

Mr. [illegible] of the Choctaw Nation Title of Indian Territory
and Miss [illegible] of the Chickasaw Nation Title of Texas Persons
according to the laws of the State of Chickasaw Nation and that there were
present as witnesses Taylor Keene Boone Keene Mrs. Taylor
and [illegible] Citizens of the United States.

Dated March 1st 1885

B. L. Keene Ordained Minister

No 1

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Roy D. Jones.

as a citizen of the

Choctaw Nation.

Approved, DEC -7 1900 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEC 7 1900

ACTING CHAIRMAN

CHOCTAW.

10. 354.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Roy. D Jones (Here insert name of child.), born on the 2nd day of Nov, 1900
Name of Father: F. M Jones, a citizen of the Choctaw Nation.
Name of Mother Ida Jones, a citizen of the Choctaw Nation.
Post-office, Ego I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY.)
Central District. }

I, Ida Jones, on oath state that I am 32
years of age and a citizen, by Marriage, of the Choctaw Nation;
that I am the lawful wife of F. M. Jones, who is a citizen, by
Blood, of the Choctaw Nation; that a Male (male or female) child was
born to me on the 2nd day of Nov 1900; that said child has been
named Roy. D Jones, and is now living.

Ida her + mark Jones

WITNESSES TO MARK:
(Must be Two Witnesses.) { Lucy Moran
Wm. Buckholts

Subscribed and sworn to before me this 6th day of Dec 1900.

E. J Ball
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY.)
Central District. }

I, Lucy Moran, a Midwife, on oath state that I
attended on Mrs. Ida Jones, wife of F. M. Jones,
on the 2nd day of Nov, 1900; that there was born to her on
said date a Male (male or female) child; that said child is now living and is said to have been
named Roy. D Jones

Lucy Moran

WITNESSES TO MARK:
(Must be Two Witnesses.) {

Subscribed and sworn to before me this 6th day of Dec 1900.

E. J. Ball
NOTARY PUBLIC.

ae nwe

MEMORANDA.

(Date) Aug 24 1899.

38 Name Francis M Jones

Choctaw ? yes County Blue Year 96 No. 7162

Chickasaw ? County Year Page 176

Citizen by blood ? yes Mother's citizenship Choc

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name, Ida M. Jones

Choctaw ? yes County Blue Year 96 No. 14704

Chickasaw ? County Year Page 391

Citizen by blood ? Mother's citizenship US

Intermarried citizen ? yes

Married under what law ? Choc

License filed this day yes

Names of children:

12 v	Leonora M	Jones	County Blue	Year 96	Page 176	No. 7163
10	Robert M	"	County	Year "	Page "	No. 7164
7	Jesse F	"	County	Year "	Page "	No. 7165
6	Walter A	"	County	Year "	Page "	No. 7166
4 v	Albert L.	"	County	Year "	Page "	No. 7167
1	Claude O.	"	County	Year	Page	No.
			County	Year	Page	No.
			County	Year	Page	No.
			County	Year	Page	No.
			County	Year	Page	No.

v On roll Leonora Jones
v " " Albert Lee "
#1 Not included in act Supreme Court Act 1872 admitting father R T. Jones

7-5739

Muscogee, Indian Territory,

August 16th, 1900.

Frances M. Jones,

Ego, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through ts attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Ida M., Lenora M., Robert M., Jesse F., Walter A., Albert L., Claude O. Jones as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-384.

Muskogee, Indian Territory, August 8, 1900.

Mr. F. M. Jones,

Fgo, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of August 2nd, in regard to your enrollment. You state that, pending the decision of a legal question involved in the case, you were placed on a white card; that up to that time your rights as a Choctaw citizen had never been questioned; that on the strength of your having been placed on a white card, certain parties are claiming your property, and that one in particular has filed a suit to dispossess you of the same. You ask information in regard to the status of your case.

In reply to your letter, you are advised that the records of the Commission show that Francis M. Jones applied for enrollment, and was listed among the doubtful claimants to enrollment in the Choctaw Nation, August 24th, 1899. Your final right to be enrolled, as well as that of your wife, Ida, and your six children, has not yet been passed on by the Commission, but it anticipates doing so in the near future, at which time a copy of the decision will be furnished you.

Yours truly,

7-D 354

Acting Chairman.

Muskogee, Indian Territory, September 18, 1900.

Frances M. Jones,

Ego, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest to your enrollment is, that you have never been admitted by the Choctaw Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-B-354

Choctaw 354.

Muskogee, Indian Territory, May 22, 1903.

G. W. Moran,

Ego, Indian Territoty,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 19th, in which you ask if F. M. Jones, of Ego Indian Territory, is a citizen and if you would be safe in making a five year lease with him.

In reply to your letter you are advised that it appears from our records that Francis M. Jones has been listed among the doubtful claimants to enrollment as a citizen by blood of the Choctaw Nation, but his final right to such enrollment has not yet been determined.

You are informed that the matter of leasing lands in the Choctaw and Chickasaw Nations does not come within the jurisdiction of the Commission and it is therefore impossible to give any information on that subject. Your attention however is invited to the following provision of the act of Congress of June 28, 1898:

"No allottee shall lease his allotment or any portion thereof, for a longer period than five years, and then without the privilege of renewal. Every lease which is not evidenced by writing, setting out specifically the terms thereof, or which is not evidenced by writing, setting out specifically the terms thereof, or which is not recorded in the clerk's office of the United States court for the district in which the land is located, within three months after the date of its execution, shall be void, and the purchaser or lessee shall acquire no rights whatever by an entry

or holding thereunder. And no such lease or any sale shall be valid as against the allottee unless providing to him a reasonable compensation for the lands sold or leased."

Respectfully,

Chairman.

7-D 834

Muskogee, Indian Territory, November 30, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 21, in which you return the letter from L. Rogers, asking the status of his enrollment as a Choctaw or Cherokee, and state that it does not appear that this person is an applicant for enrollment as a citizen of the Cherokee Nation, nor can his name be identified upon any of the tribal rolls of the Cherokee Nation in the possession of your office.

You are informed that the Choctaw-Chickasaw Enrollment Division has been heretofore advised that the name of Lavega Rogers appears on the Cherokee Strip Payment Roll, page 85, Canadian District, number 1805. You are, therefore, requested to advise this office if this notation is in error.

Respectfully,

Chairman.

Choctaw D 354

Muskogee, Indian Territory, December 29, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 24, stating that Ida M. Jones, an intermarried citizen of the Choctaw Nation has not yet been placed upon the approved roll, and is at a loss to know why her case is held up indefinitely. You therefore ask to be informed if the name of Ida M. Jones has been placed upon the list for approval by the Secretary, and if not, what is the cause of delay.

In reply to your letter you are advised that Ida M. Jones, wife of Francis M. Jones, is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation but the Commission has not yet passed upon the same, nor has the right of her husband, Francis M. Jones, to enrollment in the Choctaw nation been finally determined, and until a decision is reached relative to his right to enrollment, no action can be taken in the matter of the right of his wife, Ida M. Jones, to enrollment as an intermarried citizen of the Choctaw nation.

Respectfully,

7-D-354

Muskogee, Indian Territory, January 16, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 11, 1904, relative to the right to enrollment as an intermarried citizen of the Choctaw Nation of Ida M. Jones.

In reply to your letter you are informed that as soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw D 354

Muskogee, Indian Territory, January 20, 1904.

H. N. Morgan,

Ego, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 14, asking if Francis M. Jones is a recognized citizen of the Choctaw Nation.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Francis M. Jones for the enrollment of himself and his family as citizens of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Choc 5740 Nathaniel H. Simmons

Trans from Choc #D355

5740

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Nathaniel H. Simmons for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his wife, Matilda E. Simmons, and his minor child Viola May Simmons, as citizens by blood of the Choctaw Nation.

---D 355---

On the first day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Nathaniel H. Simmons, Matilda E. Simmons, and Viola May Simmons for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following proceedings were had:

A P P E A R A N C E S :

The applicants appear by their attorneys, J. G. Ralls, and A. Telle : Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

R. T. Jones, called as a witness on behalf of applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A R. T. Jones.
Q How old are you? A Seventy three.
Q What is your post office address? A Wapanucka.
Q Are you a citizen of the Choctaw Nation? A Considered so, sir.
Q You were admitted by the Supreme Court of the Choctaw Nation in 1872? A Yes sir.
Q How long have you lived in the Choctaw Nation? A Since 1872.

Examination by Mr Ralls:

Q Do you know Nathaniel H. Simmons, and his wife and child? A Yes, we call him Nat; he married my daughter.
Q What was your daughter's name? A Matilda Elizabeth.
Q How many children have they? A One.
Q What is the name of that child? A Viola.
Q How old is she? A I can't tell the age.
Q What was the name of your wife? A Lurenda Elizabeth.
Q Who was her father? A William Buckholts.
Q And who was the mother of William Buckholts? A Betsey Buckholts is all I can tell you.

Q Your daughter, Matilda E. Simmons, was placed on the leased district roll in 1893? A Yes sir.
Q Was she married at that time? A No sir, she will be married four years next August.
Q Was she placed on the 1896 census roll of the Choctaw Nation?
A I suppose so.
Q Simmons is a white man? A Yes sir.
Q Where do they live? A They live three miles from Cumberland in the Chickasaw Nation.

(Witness Excused)

Mr TELLE: Reference is made to the 1893 Choctaw leased district pay roll, Blue County, page 64, No.667, where it appears that Matildie Jones drew money as a child of Elizabeth Jones. Reference is also made to the 1896 Choctaw census roll, No.7172.

---o---

BY THE COMMISSION:

This case will be considered by the Commission upon the evidence and record now on file.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9thday of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 11th day of April,1902.

Clarence Tullwood
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T. November 3, 1902.

355
Choctaw D-~~380~~.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Nathaniel H. Simmons.

Nathaniel H. Simmons being first duly sworn testified:

Examination by the Commission

Q What is your name? A Nathaniel H. Simmons.
Q What is your age? A Thirty-eight.
Q What is your post office address? A Cumberland, I.T.
Q You claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes, sir.
Q What is the name of your wife through whom you claim the right to enrollment? A Matilda Elizabeth I believe it is on the roll; I married her under the name, Lizzie Jones,
Q When did you marry her? A '99.
Q Where were you living at that time? A Near Durant in the Choctaw Nation.
Q How long had you been living in the Choctaw Nation prior to your marriage? A I could not say.
Q How long did you know her prior to your marriage? A Six years.
Q Where had she been residing during that six years? A In Blue County.
Q Have you continued to reside in the Choctaw-Chickasaw country continuously from the time of your marriage up until the present time? A Yes, sir.
Q You and your wife lived together continuously as husband and wife since the timeof your marriage up until the present time? A Yes, sir.
Q Never has been any separation of any kind or character between you? A No, sir.
Q She your first wife? A Yes, sir.
Q You are her first husband? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenograpger to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 3, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G Rosenwinkel

Subscribed and sworn to before me this 12thday of December 1902.

Notary Public.

CERTIFICATE OF RECORD OF MARRIAGE.

I, J. M. Sherrod

Clerk of Cedar County, C. N.,

aforesaid, do hereby certify that the license for

and certificate of the Marriage of

Mr. N. A. Simmons

AND

Miss Lizzie Jones

were filed in my office in Cedar Co., on the

16 day of Aug A. D., 1899 and

duly recorded on Record Page 364

Witness my hand and seal of said county,

this 16th day of August A. D., 1899

J. M. Sherrod

County Clerk,

Cedar County, C. N.

Sworn to subscribed before me this 7
day of Aug. AD 1879. J. M. Shennett
Co Clerk

Marriage License.

Choctaw Nation, }
Cedar County. }

To any Person Authorized by Law to Solemnize Marriage,--Greeting:

YOU ARE HEREBY COMMANDED to solemnize and publish the Bans of Matrimony between Mr N. N. Simmons *of* Blue County *a citizen of the United States, aged* 35 *years, and Miss* Lizzie Jones *of* Blue County, *a citizen of the Choctaw Nation aged* 30 *years, according to law; and do you officially sign and return this License to the parties herein named*

Witness my hand and official seal, this 7th *day of* August *1899*

J. M. Thrasel
County Clerk.
Cedar
County, C N.

Certificate of Marriage.

Choctaw Nation, }
Blue County. }

I, [illegible] *do hereby certify that on the* 12 *day of* August *A. D. 1899 I did, duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.*

Witness my hand this 12 *day of* August *A. D. 1899*

[illegible]

My credentials are Recorded in the office of the Clerk of Tobucky *County, Choctaw Nation.*

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-355

Muskogee, Indian Territory, March 1, 1902.

Nathaniel H. Simmons,

Durant, Indian Territory.

You are hereby notified that the application of yourself, your wife, Matilda F. Simmons and your minor child, Violet May Simmons, for enrollment as citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Registr.

T. B. Needles.

Commissioner in Charge.

N.S.
560

7-5740.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nathaniel H. Simmons as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on August 10, 1899, the applicant, Nathaniel H. Simmons, was married in accordance with the laws, customs and usages of the Choctaw Nation to Matilda E. Simmons (nee Jones), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15256 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on May 9, 1904; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they lived together continuously in the Choctaw-Chickasaw country as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Nathaniel H. Simmons should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairnam.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JUN 21 1904

Choctaw 5740

COPY.

Muskogee, Indian Territory, June 21, 1904.

Nathaniel H. Simmons,

Cumberland, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 21, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7-5740.

Choctaw 5740.

COPY.

Muskogee, Indian Territory, June 21, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 21, 1904, granting the application for the enrollment of Nathaniel H. Simmons as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7-5740.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T., December 4, 1900.

In the matter of the application of James M. Buckholt et al. for enrollment as Choctaw citizens.
Choctaw Card D. 330.

James S. Standley, being duly sworn and examined, testified as follows:

Mr. A. Telle, attorney for applicants: Capt. Standley, I will ask you if you are a Choctaw Indian by blood? A Yes sir.
Q What is your age? A 59 years of age.
Q Your residence? A Choctaw Nation. I claim Atoka as my headquarters, my home, I have no domicile in the town but I am at home here.
Q I will ask you how long have you been in the Choctaw Nation
A I came here in 1873.
Q I will ask you whether or not you are acquainted with the laws and customs and usages of the Choctaw people with reference to citizenship? A Yes sir, I think I am.
Q Did you ever occupy any position at the Choctaw Council where they have passed on these questions of citizenship? A Yes.
Q I will ask you if you have ever acted in the capacity of draftsman for the Council? A Yes.
Q Where citizenship cases were passed upon? A Yes, many a time.
Q I believe you state that you are well acquainted with the laws of the Choctaw Nation? Yes, sir.
Q I will ask you if you know of any law of the Choctaw Nation previous to the act of 1888 wherein it was required that the names of the applicants should be presented to the council, all of the names, other than the heads of families? A No, I do not.
Q Then as I understand, it has been the custom of the Council to admit people by simply admitting the heads of families? A Yes, I will say that is my understanding, some have been.
Q Admitted the heads of families and the others all came in? A That has been the custom.
Q I will ask you if you know William Buckholt? A Yes.
Q And R. T. James? A Yes.
Q I will ask you whether or not you know John Null, the old John Null? A I knew of him, simply as a matter of record and a matter of common knowledge in the country.
Q I will ask you if you know of any statute authorizing the Supreme Court to pass on cases in the Choctaw Nation; any law of the Choctaw Nation authorizing the Supreme Court to pass on citizenship cases A The Supreme Court of the Choctaw Nation, there used to be an old law years ago, that was the law when I came here.
Q You were not present when the Supreme Court passed on the case of William Buckholt and others? A No.
Q I will ask you if you were attorney in the case of of one J. R. Plumer when he was admitted to citizenship by the Citizenship Commission of the Choctaw Council? A Yes.
Q I will ask you if there was any expression of the Committee as to what there intention was at the time that he was admitted to citizenship? A There was no question raised by the

Commission that I know of with reference to the necessity of having his entire family i incorporated in the billf.

Q Did the applicant himself ask the question? A Yes, the question was raised by him.

Q And what was the answer of the Commission to his question as to whether he ought to name the children or not? A It has been a good long time ago, but my recollection is it wasn't necessary.

Q That the admission of the parents carried with it the rights to the children? A Yes.

Q Then as far as your experience goes and observation with reference to the Choctaw affairs, it has been the custom of the Choctaw Nation where the parents were admitted to citizenship, that the children took their status without naming them?

A Let me answer that in my own way, and I will state my experience to you. I was attorney for Plumer, I was the attorney for Stewart, I was the attorney for Marsh, and I can't call to my mind another case now, and in all of those cases, if it had been my understanding that it didn't carry all of them with the head of the family, it would have been an easy matter you understand for me to insert the name. The fact that we didn't do so and I was the attorney in the case is sufficient for the Commission to underdtand what my understanding of the law was and what the custom was at the time as I understood it.

Q I will ask you whether or not the Choctaw have recognised the children of William Buckholt, R. T. James, and John Hull, as far as exercising the rights of citizenship goes, since that time?

Q As to the Buckholt and James I know more about it in a general way than I do about the Hull family. I will say that as far as my information goes, they have always been recognised, I have never heard anything to the contrary.

Q I will ask you if it is not true with reference to other cases where they were admitted by act of the Council and the children not named? A I think so,yes; Plumer's children went ahead here and were admitted by the laws, and that other case,and the Marshalls.

Mr. Cornish: You spoke of two or three cases, the Marsh and Plumer case and what other case? A Mrs. Nancy Stewart.

Q. Were those cases where the heads of family only were named in the acts of admission? A In the Nancy Stewart case that was different from the others.

Q I am inquiring if you did represent certain cases wherein only certain heads of families were named in the act? A Yes.

Q What other case in addition to the Buckholt? A The Marshall case and the Plumer case; the Stewart case went beyond the Council.

Q These are two cases wherein only the heads of families were named? A Yes.

Q Are there are descendants of these persons claiming and asserting rights in the Choctaw Nation? A That is my understanding, I know some of Plumer's children are here and some not here, and Marshalls, Marshall was a mixed blood.

Q Is it not a fact them that the Plumers after they were

admitted by naming the head of the family, that by subsequent act of the Council the members of the family were named in that? I don't really know that.

Q That is your understanding, is it? A Yes.

Q So that leaves only the Marshall case? A Yes, but mind you I don't remember about that subsequent act of the Plumers.

Q Isn't that your understanding, that it was done? A No, I don't remember it; it might have been done, I don't say it wasn't done, and I might have been called upon to testify in reference to the other.

Q Is it Henry Marshall that you speak of? A Yes, Henry Marshall.

Q Captain Standley, how many acts of the Choctaw Council do you think have been passed since they commenced to admit persons many years ago, about how many cases? A I can't hardly tell.

Q There have been at least 100, A Yes .

Q Perhaps 200? A Yes, I don't know how many.

Q Something perhaps 100 and 200? A That would be a good guess.

Q Isn't it a fact that so far as your information goes that only in these three cases were only the heads of families mentioned? A I can't say, because many of those cases I had nothing to do with.

Q Do you know of any other cases wherein persons claim through acts of the Council wherein only the heads of families were named? A Of my own knowledge, no, I do not; I haven't been attorney for many cases.

Q I supposed you might be familiar with the various acts from going through the old books? A I would not know from drafting an act who was in and who wasn't in.

Q Is it not a fact that the proportion would be fifty to one or perhaps 100 to one as regards cases wherein only the heads of families were named and the cases wherein all persons claiming admission would be? A It might be, my knowledge of it isn't sufficient to justify mein answering that question; these cases that I single out I know of personally; the other cases, wherein I was simply serving as draftsman of the Council, there might have been only the heads and might have been all the family.

Q Since Mr. Telle wanted to get your opinion and general information as to the custom I thought I might go further and get the benefit of your general knowledge of Choctaw affairs as well. A Very well, and thy will see from my action at the time of the admission of these parties that it was my general understanding and the understanding of my associate, Colonel Nelson, and he was a much older man than I am and had lived here all his life and was more familiar with the laws than I was, and that was his understanding, and he guided me largely.

Q This custom, would that warrant the recognition by the Choctaws of the brothers of a person admitted and the sisters, was that your knowledge of the customs? A I wouldn't say that, I don't know that there has been any custom on that subject.

Q Do you know of any brothers and sisters of persons admitted by acts who have without any specification by the Council been recognised as Choctaw citizens? A Yes.

Q You know of cases where one person was admitted and the brother of that person, never having been admitted, has been by the Choctaws recognised, but never was admitted by any act of Council, and carried on the rolls? A Yes.

Q What case? A I don't know of but one, and that is my own brother.

Q You don't know of any other case? A I can't call to mind any other case, but if I were to talk around among the people and get my memory refreshed I might thing of some.

Q Is your brother living? A No, sir.

Q So far as you know, this custom would not extend to collateral relatives, brothers and sisters? A No, I can't say as to what the custom has been about that, I have had no other experience; there has been no way of obtaining information on that line.

Q The only acts of the Choctaw Council then of which you have a personal knowledge, wherein only heads of families were admitted and in which the relatives sought to be recognized as Choctaw citizens were those three cases that you spoke of, the Buckholt case, the Marshall case, and the Plumer case? A Yes, sir, and the Stewart case.

Attorney J. G. Ralls, for applicant: In the Stewart case before the Council, the petition only mentioned the name of Mrs. Stewart, did it? A Yes.

Q That case, it went to the Indian Agent under a special act of the Choctaw Council and there the agent inserted the names of the descendants? A Yes.

Q And required them to be inserted there? A Yes.

Q And they were admitted there by the Indian Agent, th at was approved by the Secretary of the Interior, was it? A Yes.

I, Julius Y. Miller, having first been duly sworn, on oath depose and say that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing four pages of testimony of James S. Standley, from the records of the Commission in the matter of the application of James M. Buckholt, et al., (Choctaw Card D-330), and that said copy is a full, true and correct transcript of the original of same.

Julius Y. Miller

Subscribed and sworn to before me this the 2nd day of July, 1903.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Atoka, I. T. Dec. 7, 1900.

The Choctaw Nation

vs

Francis M. Jones

D 355

APPEARANCES

For the Choctaw Nation, Melvin Cornish, Esq.

For the applicant, J. G. Ralls, Esq.

Joseph R. Plummer being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Cornish.

Q What is your name? A Joseph R. Plummer.
Q What is your age? A Sixty seven.
Q You are a citizen of the Choctaw Nation are you? A Yes sir
Q Admitted to citizenship by the Choctaw Council? A Yes sir, by blood.
Q I want to get a statement from you for the information of the Commission in regard to your admission to citizenship. When were you admitted? A 1883.
Q Now what persons were named in that act of admission?
A I only petitioned to be recognized myself.
Q What children did you have living at that time? A Well all of the children.
Q How many? A Eight.
Q All living at that time? A All living, no sir.
Q Some born since? A No sir, the oldest one married Butler and was dead. The youngest girl died since.
Q After that act of admission the Choctaws recognized you as a citizen? A Yes sir.
Q Immediately after your admission to Choctaw citizenship the Choctaws recognized you? A Yes sir.
Q Immediately after that did they also recognize your children, your family at that time? A Well, they did. They got the Leased District money, three of the boys.
Q Three of the boys got the leased District money? A Yes sir.
Q When was the second act passed? A I think in 1895. Possibly in 1894. I have the papers with me.
Q How many of your children did not get the Leased District money. A Walter G. Plummer and Mollie G. Ragen.
Q And her children? A Yes sir.
Q Did Walter G. Plummer have children also? A Yes sir.
Q The children were your grand children? A Yes sir.
Q Any others? A I think Franklin E. Plummer.
Q And his children? A He had no children.
Q Was he your son? A Yes sir.
Q Why did they fail to get the Leased District money? A Because they failed to be here the year before the Choctaw lease. All the citizens who were not within the bounds of the Choctaw Nation would not be counted in the Leased District payment.

Q Then these people you have mentioned were not living in the Indian Territory in 1893 were they. Is that your statement? A Yes sir. They were here but they come in 1892. I think that act was passed in April. In 1893 the payment was.

Q The payment made in 1893 on the rolls made in 1892?

A Yes sir.

Q They were not living in the Choctaw Nation in 1892? A No sir, they come after the roll was made up except three that received their money.

Q Did all of your children who were living here at the time the roll was made up, receive their Leased District money? A Yes sir.

Q And those who did not reside here when the roll was made did not receive the money? A No sir.

Q Where did they live? A They had moved to Texas.

Q When did they move back? A I think in the fall and winter of 1892.

Q They had lived here however, from the time you were originally admitted up to the time they moved to Texas? A Yes sir.

Q This second act was passed in 1895? A '94 or '95.

Q Whose names were included in that act? A All included except those who were living out there. I asked them to come here and live with me and if they would not come here their names would not be in there.

Q Then in the second act of admission the names of all your children who were then in the Indian Territory and living with you were mentioned? A Yes sir.

Q Why did you have that second act passed? A I believed it was right. I wanted the act passed. I wanted to be fair with the Nation.

Q You felt that if this second act, stating their names was not passed, there might be some question as to their citizenship?

A Yes sir. Brazell Leflore told me to have my children recognized as soon as I could.

Q By the Council? A Yes sir.

Q And in obedience to that advice you had this act passed in order that there might be no question? A I did, sir.

Q Who else did you talk with about that? A Several of my friends. J. B. Jackson, was the man I first had a conference with. He was then National Secretary.

Q. You talked quite generally among your friends? A Yes sir.

Q Did you advise with Mr. Telle about it? A Yes sir, he drew the petition.

Q And Telle represented you before the Council by which the second act was passed? A No sir, just drew the bill upon my direction. I placed the matter before the Council myself.

Q Mr. Telle drew the bill? A Yes sir, I dictated it.

Q Did you ask his advice? A I just asked him to draw the bill He was an attorney and of course knew about it, I told him I wanted the bill to place before the citizenship committee and wanted my children that was here recognized and those who would not come here would not be in.

Q You understand that this does not affect your citizenship?

A I will just say, my daughter Fannie Seals, I asked her why she wouldn't live in the Indian Territory.

Q You understand this does not affect your citizenship but another question before the Commission

Examination by Mr. Ralls.

Q It wouldn't make any difference if it did apply to your case you would answer the same way, wouldn't you? A I am pretty sound on it.

Q As I understand you then, you only mentioned your own name in the petition to be admitted as a member in 1883.You were admitted

and as soon as you were admitted your children who were here with you were recognized by the Choctaws? A Yes sir.

Q They got all the benefits as other Choctaws and afterwards in order that there might be no question at all, you had an act passed specifically naming all the children who were then here?

A Yes sir.

Q And I also understood you to say that your children who were residing here - in regard to the payment of the Leased District money - were placed on the Leased District roll? A Yes sir, three of them.

Q Now isn't it a fact that your son Charley Plummer was elected to Council before he was specifically named in any act of admission? A Yes sir.

Q In every way your children were regarded as Choctaws? A Those that were here.

Q That was on the theory that you being the father, your children were entitled to recognition as Choctaws? A Yes sir. He was on the Indian Police for nine years. I heard him say so yesterday.

Q They didn't have any one on the Indian Police but Indians?

A No sir.

Q And as I understand you those that did not draw Leased District money were not here at the time the act for the payment of that money was passed, and under the act they could not draw the money, not being residents? A They could not receive the payment but did not affect their property rights.

Myra Young being first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn o before me this 25 day of January, 1901.

Guy L. V. Emerson
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T., December 7, 1900.

The Choctaw Nation :
:
vs. : D-357
:
James F. Buckholts :

A P P E A R A N C E S .

For the Choctaw Nation, Melvin Cornish Esq.
For the Applicant, J. G. Ralls Esq.

William Buckholts being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Ralls:

Q State your name? A Just William, no middle name.
Q William Buckholts? A Yes sir, Buckholts.
Q How old are you Mr. Buckholts? A I lack about one month of being eighty three years old.
Q How long have you lived in the Choctaw Nation? A Well, I moved here across Red River the first day of March, 1872 and been here ever since.
Q 1872? A Yes sir.
Q Who came with you to this country? A Well, my children all come but one.
Q Which one was that? A That was Pate. W. L. Buckholts.
Q Are you acquainted with R. T. Jones? A Yes sir.
Q When did he come to this country? A He come here when I did.
Q Were you acquainted with John Null during his lifetime?
A Yes sir.
Q When did he come to this country? A He come shortly after I did. I suppose in ten days. I don't know exactly.
Q What relation were they of yours? A John Null married my oldest sister, Sarah H. Buckholts.
Q What relation was Mr. Jones to you? A He married my oldest daughter, Lura Elizabeth Buckholts.
Q Did their children come with them at the time they came here? A All they had.
Q The other children have been born in the Nation, have they?
A Yes sir.
Q Do you remember being before the Supreme Court of the Choctaw Nation in 1872? A Yes sir.
Q Who were the Supreme Justices? A There was- - I don't know their given names- there was Garvin, Everidge and Fulsom. I think Fulsom lived at Skullyville. I have forgotten their given names.
Q Were you and Mr. Jones and Mr. Null admitted to citizenship in the Choctaw Nation by judgment of that court? A Yes sir.
Q What year was that and what month? A That was in - well it was at the regular Council in October but it might have been in November before the court decided on it.
Q And what year? A That was in '72, 1872.

Q Now, Mr. Buckholts, just you and R. T. Jones and John Null were mentioned in the judgment were you? A That was all that was in the duplicate they gave us.

Q Do you know why it was that your children were not mentioned in the judgment? A Well, I don't know that I could tell you. While I was on the witness stand I told the court that I thought my and my sisters children ought to be in the petition.

By Mr. Cornish.

Q Does the Commission think it proper for him to repeat the statement he made at that time, a self serving declaration?

Mr. Ralls: It is not going to be a self serving declaration.

Mr. Cornish: I should think it would be Mr. Ralls. It is a statement that he made in his own interest.

Mr. Bixby: Let us see what the question is first.

By r. Ralls:

Q Go ahead. A In regard to naming the children, I told them I thought all of our childrens names ought to be in the petition and Judge Garvin, Chief Justice, said "Mr. Buckholts there is no use of it. If we recognize you older ones that includes all your descendants." I hushed, of course I could say no more.

Q Speaking as the Chief Justice of the court, he informed you that? A The Chief Justice, yes sir.

Q Now, where have you all lived since you came to the Nation. I mean in the nation or have you lived out of the Nation? A We aint lived out of it, we have lived here, have been out only on a visit or on business.

Q Been out just temporarily? A Yes sir.

Q Now since the Supreme Court admitted you three older ones state whether or not the Choctaw authorities have recognized the children as citizens of the Nation? A Well, we have been recognized, the children and all, ever since, until the last year or such a matter.

Q After this question was raised? A Yes sir. There was no objection before.

Q Well have the Choctaw Authorities themselves ever made any objection to you? A None that I know of. Not a particle.

Q They have always voted have they? A Yes sir.

Q Owned farms? A Yes sir.

Q Enjoyed the schools and privileges of Choctaws? A Yes sir and served on juries, worked the roads, acted as judges of election and all likes.

Q Been placed on the various rolls made by the Choctaws have you? A Yes sir.

By Mr. Bixby.

You are referring to himself or his children?

Mr. Ralls: To all of them.

By Mr. Ralls:

Q And they were paid Leased District money were they by the Choctaw authorities? A Yes sir.

Q Several of the defendants have married white persons have they? A Yes sir:

Q Have those white persons been recognized by the Choctaws as members of the Nation? A Well, I think so. I never heard anything to the reverse at all.

Q And ever since 1872, the Choctaws have always recognized you, Mr. Jones and Mr. Null and all of your children? A Yes sir.

Q And have recognized Mr. Jones children? A Yes sir.

And Null's children? A Yes sir.

Q As members of the Choctaw Nation and you have enjoyed all

the privileges and benefits as other Choctaws? A Well with one exception.

Q What was that Mr. Buckholts? A That is my sister died and Uncle John, I always call him uncle, he married a white woman, and has one child by her. Well they were included in the petition but they knew they had no blood and they just withdrew.

Q They are not claiming citizenship are they? A No sir not at all.

Q One other thing. Do all of you own farms here in the Choctaw Nation, and Chickasaw together I mean? A Yes sir.

Q All that you have then is in the Choctaw and Chickasaw Nations? A Yes sir.

Q They have nothing anywhere else? A If any of them have anything outside I don't know it. I don't think they have though.

CROSS EXAMINATION BY MR. CORNISH.

Q You say this was in October or November of 1872 Mr. Buckholts- it was in October or November was it not that you appeared before the Supreme Court? A Yes sir.

Q Did John Null and Mr. Jones appear there with you? A Yes sir.

Q The three of you went to Council? A Yes sir. Well, some of our children were there.

Q Some of your children were there? A Yes sir.

Q You say you stated to the Supreme Court that you thought the names of the children ought to be included in their judgment? A Yes sir.

Q What led you to think so? A Well, I don't know as I could tell you that. I just thought they all ought to be there.

Q You thought they all ought to be there didn't you? A Now I can tell you why. When I first- - I spoke to old Governor Walker Tandy Walker, and asked him who would be a suitable man to write up a petition. They told me I would have to make a petition. Well, he just peinted me out to Tom Ainsworth. I knew he was a pert boy but I didn't know he was a lawyer and he was taking all the names down and Null and Jones got off a little piece and talked a little and they called me out there and said "We think we had better get a lawyer to tend to it if it does cost something" I said all right. Well if I had known that Ainsworth was a lawyer I never would have gone to another.

Q Who did you go to? A Campbell Leflore.

Q Campbell Leflore was a citizen of the Choctaw Nation? A Yes sir.

Q Practicing law before the Choctaw courts and council? A Oh yes.

Q Did you have any witnesses before the Supreme Court Mr. Buckholts? A Yes sir.

Q Who appeared before the Supreme Court as your witnesses?

A I had old Null, Robert Jones and old Tandy Walker and Mrs. Flack. She only sent her testimony, and Mrs. William Gardner.

Q Did you have any children who lived in Texas after you came here? A One.

Q How long did he remain there? Well squire, it has been so long I can't tell you.

Q He came here several years afterwards did he? A Yes sir.

Q He was not living here when this act of admission was rendered? A No sir.

Q Did not live here until several years afterwards? A Yes sir.

Q Is he claiming rights of citizenship? A Yes sir.

Q When he moved here several years after that time, did he go before the Council to be admitted? A No sir.

Q Then he was not admitted by act of Council when he moved here? A No he went to the officers, I don't know which one only

Gardner and he said just associate with the leading characters here and let them know who you are.

Q What is his name? A William Lafayette.
Q Is he living now? A Yes sir he was a short time ago.
Q Was he a married man when he moved to the Indian Territory?
A Yes sir.
Q Has he grand children or just children? A He has only one grand child and two living children.
Q Has one grand child and two children? A Yes sir.
Q They are now claiming citizenship of course, they are now claiming to be Choctaw Indians? A Yes sir.
Q What about the children of Mr. Jones. What children did Mr. Jones have at that time? A I think they had seven children when they come and five born after.
Q Seven children when they came and five born afterwards?
A I think that is it.
Q Did the seven all come with him? A Yes sir.
Q They have all lived here since that time? A All lived here since that time.
Q What about Mr. Null's children. What children did he have at that time? A Two single and some of them came the year before and they all I think come with him. Them that was married come with him.
Q Well, the Null who was your sister's husband is not now living? A No sir.
Q He is not the John Null who is now applying? A No sir.
Q This is his son? A Yes sir.

ALINTON TELLE being duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Ralls:

Q State your name? A A. Telle.
Q What is your age Mr. Telle? A Forty one years.
Q You are a Choctaw Indian by blood? A Yes sir.
Q Born and raised in the Choctaw Nation were you? A Yes sir.
Q What official positions have you held in the Choctaw Nation?
A I have held several positions. The longest position I have held was National Secretary.
Q Have you held the position of National Attorney for the Choctaw Nation? A Yes sir.
Q You have been a practicing attorney in the Choctaw courts for how long? A For nineteen years.
Q During this time you have examined the laws of the Choctaw Nation on various questions and especially in regard to the question of citizenship have you, Mr. Telle? A Yes sir.
Q Now, state Mr. Telle, if prior to October 1872, there was any law of the Choctaw Nation requiring Choctaws coming to this Country to be admitted in order to enjoy the benefits as Choctaws?
A What was the date?
Q October, 1872? A My recollection is there was not? The law that you refer to - I think the law that is on file there with the Commission - is the first law and I think it was passed at a special term in 1872 earlier than October.
Q What time in 1872? A I think in April. I have forgotten the date exactly.
Q Then prior to that date they had no law requiring persons to be admitted by the Choctaw Council or by the courts or in any other manner in order to enjoy the privileges as Choctaws? A I have never been able to find any law they required Choctaws to be admitted by any act of Council.
Q If a Choctaw came to this country and the officials of the Choctaw Nation recognized him as a Choctaw prior to that act, then he took the privileges as a Choctaw and was duly recognized was he?
A That is my understanding.
Q As a matter of fact a great many of the Choctaws that are now

in the Choctaw Nation have come here and have never been admitted by any act at all have they Mr. Telle, and are now recognized? A Yes Sir, a great many of them, possible four or fivehundred, I mean by that people that did not come at the time of the emigration provided by the treaties but who simply emigrated; simply came out here afterwards. They came all the way from the time of the emigration in the thirties up to this time in 1872 when the law was passed.

Q Were you a member of a Commission that made the rolls of the Choctaws in 1893? A Not in the Choctaw Nation.

Q Were you in the Chickasaw Nation? A I made the roll in the Chickasaw Nation of Choctaws residing in the Chickasaw Nation.

Q Were you a member of the Commission that made the roll in the Choctaw Nation in 1896, I believe it was, or 1897? A No sir, not in the making of the rolls.

Q What position did you hold in that regard, in connection with the citizenship business? A No connection with it at all in 1896 or 1897 either.

Q Not being acquainted with the laws and customs of the Choctaw Nation, Mr. Telle, in the preparation of the Leased District roll were persons of white blood put on as Choctaws or were only Choctaws by blood placed on the roll? A Only Choctaws by blood.

Q Your Commission determined the question of blood? A That is we enrolled them. Then there was a kind of revisory board that passed on all of them. I think from the rolls that we made in the Chickasaw Nation of Choctaws residing there, possibly they cut out four or five.

Q And then the Leased District payment was made to those remaining on the roll after the revisory board had gone over it?

A Yes sir.

CROSS EXAMINATION BY MR. GORMISH:

Q Mr. Telle, you stated that you were National Atterney of the Choctaw Nation? A Yes sir.

Q How long have you been National Attorney? A About a year and a half.

Q You were a member of the citizenship commission of the Choctaw Nation appearing before the Dawes Commission, were you not?

A I was simply clerk of the Commission.

Q How long were you clerk of the Commission before the Dawes Commission? A I have been figuring that up.

Q Since the fall of 1898? A Either the fall of 1897 or 1898. It was the first--

Q Yes - well--you have given a construction as you understand it of the laws, customs and usages of the Choctaw Nation as to citizenship matters? A Yes sir.

Q You are an attorney in this case are you not? A I am, yes sir.

Q Do you know of any other act of Choctaw Council through which persons claiming Choctaw citizenship, that does not specifically mention the names of all the persons living at that time upon whom it is desired to confer citizenship? A No sir, I know of no act specifically on the statute books. Now there is one - there are possibly one or two that allowed people to stay here;

Q Possibly one or two? A Yes sir, I remember that in the old J. P. Folsom code. Code made in 1869 by J. P. Folsom. I see there that they allowed a white man to stay there on account of his marriage - or during good behavior I believe.

Q That is an exception or two I believe? A And then there was a band of what they called Biluksha. It seems that they were really Choctaws and in attempting to come to this country,not knowing the geography of the country went south of here and finally stopped up in the Caddo country and what is known as the leased District. They spoke the Choctaw language and had the customs of the Choctaws and some time long about the year 1887 I believe, - I

simply speak from memory, they allowed those Bilukshas to come down here as Choctaws.

Q Now those Buckholts and Jones people don't claim to be Bilukshas do they? A No sir.

Q Going back to the question. Do you know of any other act of the Choctaw Council that assumes to confer citizenship on persons that don't specifically name those upon whom it is desired to confer Choctaw citizenship? A No sir.

Q You don't know of any other act? A No sir, I don't.

Q You stated that you are familiar with the laws of the Choctaw Nation, have held various positions and practice law before the Choctaw courts? A Yes sir.

Q You are reasonably familiar with the Choctaw laws are you not? A Reasonably so, yes sir.

Q About how many acts would you say there are of the Choctaw Council that have been passed since they began that business, about how many acts? A I Don't know.

Q You could guess at it couldn't you? A I have copies of the pamphlets and could refer to them.

Q They are exceeding one hundred are they not? A I could not say as to that.

Q I would like to have you give me an idea. A If you will let me get my books.

Q There are a great many acts are they not? A Yes sir,

Q Would you give your opinion that they would exceed fifty acts specifically conferring citizenship. I suppose you would not hesitate to say they exceed fifty would you? A I would not say as a matter of fact I don't believe they go over fifty. There are a great many acts referring to citizenship but most of them refer to rejected cases.

Q There are a great many. You would not care to fix the number? A No sir.

Q Now of all that number, be it fifty, sixty, forty or two hundred, you don't know of any act that assumes to confer citizenship that doesn's name the parties specifically do you, except this act of Buckholts, Jones and Null, do you? A Well, sir, to tell the truth, I don't know any act that requires it at all.

Q My question is this. You state there are a great many acts?

A Yes sir.

Q Ranging it may be from forty, fifty to two hundred, there are a great many acts? A I don't say so.

Q This is my question. Of that number of acts, now do you know of any other act that assumes to confer citizenship upon persons that does not specifically name the persons upon whom it is desired to confer citizenship that does not specifically name the persons in it? A Yes sir, I do.

Q Well mention them? A I know one or two. One is a case of Henry Marshall.

Q Henry Marshall. What other? A J. R. Plummer.

Q What other? A In the acts of 1884 you will find a list passed on that didn't name anyone but the claimants. Sometimes had the word 'family' and sometimes not.

Q Are these the only ones you know? A Well, there are several names included in this list. The Council made a general list and where John Smith appeared, maybe said husband and children, or wife and children.

Q What act is that now? A I think about the year 1884.

Q Who were these persons? A I couldn't say.

Q Were they Mississippi Choctaws who had just joined the people here? A No.

Q Were they not Mississippi Choctaw people? A No sir.

Q Where did they come from? A They appeared at Council.

Q Well, where did they come from. A They lived here.

Q How long had they lived here? A I don't know.

Q How long have they been from Mississippi? A They were not Mississippi Choctaws.

Q But you don't know that they were Indians who had come from Mississippi. A I could not say. I know some of the people have been living here as long as I could remember.

Q But you are not able to state that they did not come direct from Mississippi to the Choctaw Nation? A I think I am in some of the cases.

Q Are you able to state in all of the cases? A No sir, I am not.

Q Is it not a fact that in the Plummer case after an act had been passed naming the heads of the families that those parties appeared before the Council and all parties naming were mentioned?

A Yes sir, I prepared the act myself.

Q Why did you prepare the act? A The reason for that is this: One of the Plummer boys had been elected to the Council. He had gone through the election and was elected to Council and had a seat as a member of the Council and it seems that someone suggested the idea that they could not find his name admitted by act of Council.

Q Someone suggested that? A Yes sir, who it was I could not say.

Q Suggested that as a reason why he should not be elected to Council? A I could not say.

Q There was a question raised though? A Yes sir.

Q Why was the act amended? A Well, I heard it and I had been one of their supporters and I wanted no question raised. Of course with my information I could see the possibility of a question being raised so I filed a supplemental petition to the original, setting forth that they had been recognized and one of them was at that time sitting as a member of Council, and I thought it was safer for the family. And filed the act and admitted the whole family.

Q Were you one of the ones who raised this question? A No sir.

Q Who raised it? A I don't remember.

Q There was a question raised? A I heard it.

Q Raised in Council? A It was outside talk.

Q It was in response to the question that was raised that you drew the act was it not? A Indirectly you might say it was.

Q You were a practicing ~~lawyerx~~ attorney at that time? A Yes sir.

Q And were familiar at that time with the laws, customs and usages of the Choctaw Nation? A Yes sir. I knew it was no matter but simply did it as a matter of precaution.

Q As a matter of precaution you drew the act and had it passed? A Yes sir.

Q When did the Choctaw Council pass a law requiring the names of all persons upon whom it was desired to confer citizenship presented to the Supreme Court? A I don't remember any such law sir. There is no law to that effect.

Q My understanding was from Mr. Ralls that in 1872, - he asked you that prior to that time there if there was any law requiring anyone to be admitted? A There was no law before then.

By Mr. Bixby. Is this evidence or not?
Mr. Cornish? A I don't know.
Mr. Bixby. Is it in reply to your question? A I presume it is.

A There were people living here who never were here until that time, some of the most prominent families, come in fifty or sixty. They never had to be admitted to citizenship and that act in 1872 was the first act that was ever recognized.

Q Do you state that as your opinion or as a fact? A A fact. A matter of law and record.

Q That is the first act of the Choctaw Council admitting specific persons to Choctaw citizenship? A Yes sir. Now there was another act passed later on. It didn't relate specifically to the method of making applications except one part of it. That was that it required a receipt from the Nati nal Treasurer of a payment of one hundred dollars for each name asked to be enrolled.

Q When was that? A In 1888, I think.

Q Considerably later than that? A Yes sir.

Q Then you stated as a matter of law and fact that this Buckholts, Jones and Null act was the first act of the National Council admitting persons to Choctaw citizenship? A This was not an act of Council.

Q Well an act of the Choctaw authorities? A Yes sir, in 1872.

Q Do I understand now as a matter of law and fact, that it is the first act of the Choctaw authorities specifically granting Choctaw citizenship to persons? A Under the law yes sir. They were the first people. It was the first case that come up under the new law.

Q Under the new law? A Under the law of 1872.

Q Conferring this jurisdiction on the Supreme Court? A Yes sir.

Q Then you state there is no act of Choctaw Council prior to that time specifically conferring citizenship upon applicants?

A I know of none.

Q Didn't you state, Mr.Talle - I don't believe yo were quite accurate in your statements - your opinion as a lawyer or do you state it as a matter of law that there wasn't any law prior to the law in 1872? A There was no Choctaw law requiring citizens to prove their right to Choctaw citizenship prior to this act of 1872. That's the law.

Q Here is what I understand your answer to mean. I understand that you stated that there was no law prior to 1872 of the Choctaw Council or the Choctaw authorities prior to the admission of these Buckholts, Jones and Null families that conferred or assumed to confer citizenship upon individual persons? A Oh, I would like to understand you first. I ave you some exceptions and you said those exceptions did not apply.

Q As I understood you to state a minute ago, this was the first act of Choctaw authorities conferring or assuming to confer citizenship and before that time did not confer citizenship?

By Mr. Ralls? I would like to understand you myself.
Mr. Cornish. I am not mixed at all. If you understand English you will understand this.

Q Is this the first act of the Choctaw Council or the Choctaw authorities conferring citizenship upon specific persons, upon persons naming them? A No sir, it is not. There are those exceptions that I spoke of.

Q Prior to the admission of the Buckholts people? A Yes sir.

Q Then there are acts of the Choctaw tribal authorities specifically conferring citizenship upon persons prior to that time are they not? A No cases of this kind.

Q Perhaps there are different cases, different persons and people but they are persons, people admitted prior to this time?

A I could not say they were admitted. You use a word there that was not known to the statute at that time.

Q I will amend the word. A There were some permitted to live here. They were white people or people of no real descent but they allowed them to stay here.

Q That was prior to the Buckholts admission? A Yes sir.

Q Those Bilukshas you speak of? A Yes sir those were specific acts.

Q Those people were specifically named in the act were they not? A Who?

Q Those people that were permitted to stay here? A You mean the Bilukshas?

Q I mean all persons who were permitted to stay here. They were in the act were they not? A No sir, not all of them. Just heads of families.

Q Is this a clear recollection of the law or just as you remember it? A My recollection and I have seen them. One of the old descendants is living up here in Tobucksy County by the name of Tolu Pase, his English name is Charley Keel.

Q Now those Bilukshas you spoke of being permitted to live here, were they not admitted to citizenship? A I could not say. I could not say that the word citizenship appeared as used now.

Q Now those Buckholts people claim to have full rights of citizenship? A Yes sir.

Q Now is there any act of the Choctaw tribal authorities prior to the admission of the Buckholts people that confers or assumes to confer full citizenship upon persons, specifically named? A No sir, there is not. No sir.

Mr. Ralls:

Q As I understand, you stated Mr. Telle, that law of 1872 was the first act of Choctaw Council requiring persons to preve up citizenship? Was that the act conferring jurisdiction on the Supreme Court? A Yes sir.

Q But prior to that time the Choctaw Council had passed some specific acts in regard to persons residing in the Choctaw Nation permitting them to remain, or recognizing them to that extent? A Yes sir.

SIMON E. LEWIS bein duly sworn by Acting Chairman Bixby, testified as follows:

Mr. Ralls:

Q Your name is S. E. Lewis? A Yes sir.

Q How old are you Judge? A Fifty nine.

Q How long have you lived in the Choctaw Nation? A Born here.

Q What official positions have you held in the Choctaw Nation? A I have held a good many.

Q You are a citizen of the Choctaw Nation? A Yes sir.

Q You have acted as one of the Commissioners of the Choctaws in preparing the rolls that have been made by the Choctaw Nation have you? A Yes sir.

Q You are at present one of the Choctaw Commissioners? A Yes sir.

Q Representing the Choctaw Nation in the hearing of the protest cases? A Yes sir.

Q Of persons Claiming citizenship in the Choctaw Nation? A Yes sir.

Q Were you a Commissioner that assisted in the preparation of the rolls of 1893? A No sir.

Q Were you one in 1896? A Yes sir.

Q What part of the Choctaw Nation did you work in? A There was two boards that worked on this.

Q When the first roll was made? A I made the roll of the Chickasaw Nation, of Choctaws residing in the Chickasaw Nation. Afterwards, the roll that was made of the Choctaw Nation was very incomplete and there was another board formed to go over that roll again and I was Chairman of the Board for the first district and was afterwards a member of the board that revised the roll at Tushkahomma.

Q When you were in the Chickasaw Nation making the rolls of Choctaws in 1896, did you enroll any of the descendants of Mr. William Buckholts, R. T. Jones or John Null? A Yes sir.

Q Who was it you enrolled, Judge? A Well, I think old man Buckholts himself happened to be up there and I think I enrolled

him up there. I remember John Mull was at Tishomingo and I don't remember exactly where he enrolled. I think we enrolled some of the Buckholts people up there.

Q Do you know Frank Plate? A Yes sir, we enrolled them.

Q And W. D. Bailey? A Yes sir.

Q You were acquainted with the condition of their citizenship? at the time, were you not? A Not particularly but I had a copy of the 1893 pay roll. And I noticed they had all drawn their money.

Q Now, Judge, are you acquainted with the different provisions of the Choctaw laws in regard to the admission of persons to citizenship? A Yes sir, pretty well.

Q Was there any law of the Choctaw Nation prior to this act conferring jurisdiction upon the Supreme Court of the Choctaw Nation in 1872 requiring persons to prove up citizenship or to be admitted by any act in order to enjoy the privileges of Choctaws? A I don't remember that I ever saw that law. I was just looking over it a moment ago. I don't think I ever saw the law but it was passed some time about seventy one or two.

Q Was there any law prior to that time? A No sir, there was no law requiring Choctaws who come here and come from Mississippi to prove up their right. They just come here and settled down as there were old people enough to identify them at that time.

Q Then Choctaws coming here and identified by Choctaws who were here, would be recognized by the Choctaw authorities and treated as members of the Nation? A Yes sir.

Q There are a great many of the Choctaws that came here. A I know of two families down by Skullyville since the war I know never was admitted.

Q What are their names? A Wadkins, married Campbell Leflore's sister, and his family. Puryea and Captain Reynolds and his family.

Q Who composed the revisory board at Tushkahomma when you made up the roll? A Alexander Durant was Chairman, myself and Ben Wadkins. That is the 1896 roll.

Q Do you know who composed the revisory board when the roll for the payment of the Leased District money was made? A The Governor and his cabinet, whoever they were at that time.

Q Do you remember their names? A Governor Jones, William W. Nelson was treasurer, Jacob Jackson Secretary.

Q Who was National Attorney? A I believe I am mistaken about the treasurer. I expect McCurtain was the treasurer. I am not certain. They cha nged hands about that time. Nation Attorney- I don't remember who that was.

Q And they were supposed to take off the names of all those who were not recognized citizens were they? A Yes sir.

Q And recognized by blood? A Yes sir. Besides that there were a great many that had got left over and did not get enrolled and they went down there and was enrolled by that board.

Q Are the Commissioners appointed by the Choctaw Nation objecting to the enrollment of these descendants of Buckholts, Jones and Mull? A No sir.

Q They are willing that they should be enrolled? A We raised no objection. Well, there might have been some of the Commissioners up in the Chickasaw Nation. There was objection raised up there by some of the Commissioners. I don't know.

Q In your opinion and being acquainted with the laws and customs of the Choctaws are you, or would you say, that they are recognised citizens of the Choctaw Nation or not? A They have always been. The first time I got acquainted I met some of the jury, Judge Vincent was judge and he got crippled and I came down here to hold court for him. I found them on the jury. I asked who they were and they said Choctaws who had been admitted.

Q Knowing the same as you now know it, what would be your opinion as to their being recognized citizens? A I would not like to give my opinion. The Dawes Commission is settling that.

William Buckholts 11.

CROSS EXAMINATION BY MR. CORNISH:

Q These two families you speak of as being recognized with an act of the Choctaw Council, is it not a fact that they come direct from Mississippi to the Choctaw Nation? A Yes Sir.
Q Came direct from the old Choctaw Nation to this country? A Yes sir.
Q These Buckholts people; where did they come from? A I don't know. I wasn't acquainted with them until in 1886.
Q Is it your understanding they come from Texas here? A I have heard some of the witnesses state that.

WILLIAM BUCKHOLTSbeing recalled testified as follows:

RE-CROSS EXAMINATION BY MR. CORNISH.

Q You state you moved from Texas to the Indian Territory? A Yes sir.
Q How long had you lived in the state of Texas before removing to the Indian Territory? A Twenty-one years.
Q Where did you live? A Smith County.
Q Did you own a farm there? A Yes sir.
Q You owned property there? A Yes sir.
Q What property did you own in Texas? A One hundred and eighty some odd acres in one tract of land and over two hundred in another.
Q That was in Texas? A Yes sir.
Q Well go ahead. A I had some niggers before they were set free.
Q You voted in the state elections, state and national elections? A Yes sir.
Q You were a citizen of the State of Texas? A Yes sir.
Q Did you ever run for office? A No sir.
Q Never held office? A No sir.
Q How long did Mr. Jones live in Texas, Mr. R. T. Jones?
A I don't know,sir.
Q What is your understanding about it? A He claimed that he come there in fifty four or five.
Q In fifty four or five and lived there until 1872? A Yes sir.
Q All right. He lived there a great many years then? A Yes sir.
Q Did he own property in the State of Texas? A Yes sir he owned some land.
Q Did he vote in the state and national elections in the State of Texas? A I suppose he did. But I don't remember that I ever saw him vote.
Q You never saw him vote? A I don't know as I did.
Q How long had Mr. Null lived in Texas? A He moved there when I did.
Q And left there when you left? A Yes sir.
Q Did he own property in the State of Texas? A Yes sir.
Q Did he own land? A Yes sir.
Q And other property? A Yes sir.
Q Did he vote in the state and national elections? A Yes Sir.
Q He was a citizen of the State of Texas and recognized as such? A Yes sir.
Q Where did you come from to Texas? A Mississippi.
Q When did you leave Mississippi? A I left Mississippi in the Fall of 1860.

Q How long had you lived in Mississippi, Mr. Buckholts?
A I lived in Mississippi about eight years.
Q About eight years? A Yes sir.
Q Where did you come from to the State of Mississippi? A Well let me go back and start and come forward.
Q Well. A I was born in Smit County, Mississippi, near the Louisiana line and when I was about six years old my parents moved to the old Choctaw Nation which is now Sumpter County. Lived there until I was twenty four years old. Started to Texas and stopped in Louisiana.
Q How long did you live in Louisiana? A From the first of May to the first of November when I come back to Mississippi and stayed there eight years and then I started to Texas again.
Q You say you were born in Mississippi? A Yes sir.
Q Now, did your father move out of Mississippi? A Yes sir.
Q Where did he move to? A To the old Choctaw Nation.
Q From this county where you were born up to the Choctaw Nation? A Oh,no,he moved from Smit County to the old Choctaw Nation.
Q And you lived there until you were how old? A Twenty four.
Q Now you and Mr. Null and Mr. Jones lived in the State of Texas many years before moving to the Indian Territory?
A Yes sir.
Q Owned property there and voted there? A Yes sir.
Q And were citizens of the State of Texas? A Yes sir.
Q How did you come to move to the Indian Territory? A Well, I can give you the history of it if you want it. When the niggers were set free I knew that I could not furnish homesteads for all my children, and I just told them, I had been up here about '57, 1857, I had been up here and I told them, says I, I have plenty of relatives there and I know I can prove it and if you will just all agree, we will pull up and sell out and you can get homes for yourselves.
Q Then you come here to get homes for yourself and family?
A I came because I knew I was a Choctaw.
Q You come here to get homes for yourself and family? A Yes sir, of course.

RE DIRECT EXAMINATION BY MR. RALLS.

Q Then did you all sell out in Texas and come over here?
A Yes sir.
Q Did these witnesses that you had before the court know you when you were in Mississippi? A Yes sir.
Q They knew that you had come from Mississippi? A Yes sir, they knew me in Alabama.
Q What family of the Choctaws did you come from? A Zadoc Brashears.

By Mr. Tolle:
Q That Sumpter County you spoke of is in Mississippi or Alabama? A Alabama.
Q The state lines have been made since that time have they?
A Yes sir, a little of the old nation run into Alabama and it was in Sumpter County.

RE CROSS EXAMINATION BY MR. CORNISH.

Q Ihis county in which you were born was not in the old Choctaw Nation in Mississippi? A Oh up next the Louisiana line.
Q And after you were born your father with you moved into the old Choctaw Nation? A Yes sir.

Myra Young, having been first duly sworn states that as stenographer to the Five Civilized Tribes, she reported in full

William Buckholts 13

all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 25th day of January, 1901.

Guy L. P. Emerson
Notary Public

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF JAMES M.BUCKHOLTS ET AL

TO BE ENROLLED AS MEMBERS OF THE CHOCTAW NATION.

The deposition of Joel Everidge taken at the residence of Joel Everidge about nine miles east of the town of Grant, in the Central District of the Indian Territory, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon on the 8th day of January A.D.1901, to be used as evidence in behalf of the above named applicants and all the descendants of William Buckholts, John Hull and R.T.Jones and in behalf of all persons having married any of such descendants, pending before the Commission to the Five Civilized Tribes.

Joe Everidge after being duly sworn deposes and says: I am 72 years old, a citizen of the Choctaw Natuon by blood and a resident of Kiamitia County, Choctaw Nation. I am one of the Supreme Judges of the Choctaw Nation. I was first elected to the office in the year 1868 and have served in that capacity every year since that year with the exception of four years during which time Judge J.R..Turnbull served. I was on the bench when the application for citizenship in this nation was presented by William Buckholts, R.T.Jones and John Hull. The Court took up the case and examined the witnesses thoroughly. The witnesses were all Choctaws by blood and perfectly reliable. The Court being satisfied that Wm.Buckholts was a Choctaw by blood and that R.T.Jones was entitled to intermarried rights by virtue of his marriage to the daughter of Wm.Buckholts and that Mahn Hull was entitled to inter-married rights by virtue of his marriage with a sister of the said William Buckholts, rendered a decision in their favor naming only the heads of families. This was the first case of this kind ever passed on by the Court. At that time it was not considered necessary that the children should be named. I remember that William Buckholts asked if it was necessary to name the children and Chief Justice I.L.Garvin informed him that if the parents were Choctaws the children certainly were Choctaws. This case was decided under authority conferred on the Court by an Act of the General Council passed in 1872. Previous to this act there was no law of the Choctaw Nation requiring persons to prove up their citizenship. Citizenship at that day and time was not considered as being of the value that was placed on it in after years and at the present time. Even to this day there is no law specifically requiring the children to be named but the practice of late years by the Citizenship Committees of Council has been to have them named, owing to the great number of applicants, for its information.

JOEL EVERIDGE.

United States of America,
Indian Territory,

I, William Beadles, a Notary Publicwithin and for the Central District of the Indian Territory, do hereby certify that the foregoing deposition of Joel Everidge, was taken before me and was read to and subscribed by him in my presence, at the time and place and in the action mentioned in the caption. The said Joel Everidge having been firs sworn by me, that the evidence he should give in the matter should be the truth, the whole truth and nothing but the truth; I further certify that his statements were reduced to writing in his presence, the applicants not being present in person and being represented by A.Tolle,one of their attorneys and the Choctaw and Chickasaw Nations not being represented by their attorneys although properly served with a notice as evidenced by the return hefets attached.

Given under my hand and official seal at the above named place within the Central District of the Indian Territory this the 8th day of January, A.D.1901.

(SEAL)

WM.BEADLES,
Notary Public.

MOTION FOR ADMISSION TO THE CIVILIZED TRIBES.

In the matter of the Application of
Jesse E.Dunsmuir et al, to be enrolled as members of the Choctaw Nation.

Motion to take Depositions.

Mr Mansfield, Mcmurry and Darrah, Attorneys for the Choctaw and Chickasaw Nations.

You are hereby notified that the applicants, Jesse E.Dunsmuir, et al, will take the deposition of Judge Joel Everidge at the residence of the said Judge Joel Everidge about eight miles nearly east of Durant in the Central District of the Indian Territory,between the hours of nine o'clock in the forenoon and six o'clock in the afternoon on the eighth day of January, A.D.1901, the said deposition when taken to be read before the Commission to the Five Civilized Tribes by the said applicants in their application to be enrolled as members of the Choctaw Nation and to be used in behalf of all of the defendants of William Buchanlon, E.S.Jones and John Bell, and on behalf of all persons claiming to be enrolled as intermarried citizens, the heirs surviving any of said defendants. And if the taking of said deposition be not completed on the said day, the taking thereof will be continued from day to day at the same place and between the same hours until completed.

E.S.DARRAH,
WELLS & MCMURRY
Attorneys for Applicants.

United States of America,
Indian Territory
Central District. ss

I, Edgar P. Gruby United States Marshal for the Central District of the Indian Territory do hereby certify that I received the above and foregoing notice at the hour of 1.30 o'clock P.M. on the 26th day of December 1900, and that I served the same on the hour of 4.30 o'clock P.M. on the 26th of South Mollerstan in said district and Territory, by delivering a true copy thereof to Malvin Darrah, a member of the law firm of Mansfield, McMurry & Darrah.

Witness my hand this the 26th day of December, 1900.

E. P. GRUBY,
U.S.Marshal
By Asst.Marshal, Deputy.

Fee for serving 26 cts.
Paid by E.S.Darrah.
E.P.Gruby,
U.S.Marshal.

United States of American,
Indian Territory,
Central District.

I, WM. PEADLES, a Notary Public within and for the Central District of the Indian Territory, with office at Grant, I.T., do hereby certify that the above and foregoing is a true and correct copy of the deposition of Joel Everidge taken before me on the 8th day of January, 1901, and that the copy of the notice thereto attached is a true and correct copy of the original notice attached to said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal as such Notary Public aforesaid, at Grant, in said district and Territory this 5th day of February, A.D.1901.

Wm. Peadles
Notary Public Aforesaid.

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Nathaniel Roddom Simm

as a citizen of

Choctaw Nation.

Approved, JUL -8 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 8 1902

ACTING CHAIRMAN.

CHOCTAW.
D353-

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Nathaniel Haddon (Here insert name of child.), born on the 28 day of May, 1902
Name of Father: Nathaniel H Simmons, a citizen of the Choctaw Nation.
Name of Mother: Matilda E. Simmons, a citizen of the Choctaw Nation.
Post-office, Cumberland Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, Matilda E. Simmons, on oath state that I am 33 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of Nathaniel H. Simmons, who is a citizen, by Marriage, of the Choctaw Nation, that a Male (male or female) child was born to me on the 28 day of May 1902 that said child has been named Nathaniel Haddon Simmons, and is now living.

Matilda E Simmons

WITNESSES TO MARK
(Must be Two Witnesses)

Subscribed and sworn to before me this 1st day of July 1902

J. T. Thomas
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, W. N. Dean, a Physician, on oath state that I attended on Mrs. Matilda E. Simmons, wife of Nathaniel H. Simmons, on the 28th day of May, 1902 that there was born to her on said date a Male (male or female.) child; that said child is now living and is said to have been named Nathaniel Haddon Simmons

W. N. Dean M.D.

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this 1st day of July 1902.

J. T. Thomas
NOTARY PUBLIC.

(Copy)

An Act entitled an Act directing and authorizing the supreme judges of the Choctaw Nation to take evidence during the term of the Supreme Court of all persons who may claim to be Choctaw or Chickasaw descent, and fixing their pay.

Sec. 1st. Be it enacted by the General Council of the Choctaw Nation assembled; That the Supreme Judges of this Nation be and they are hereby directed and authorized that after the regular business of the Court is disposed off, shall proceed"to take evidences in all cases of any person or persons claiming to the Choctaw or Chickasaw descents, who may have settled or may hereafter settle in this Nation, claiming the rights and privileges of citizenship, said person or persons shall be required to prove his, her or their blood and descent by two or more disinterested witnesses; and all the evidences taken and the opinion and the decision of the Judges shall be entered upon the minutes of the Courts;" and for preventing any error the proceeding of the previous day shall be read and corrected before it shall be signed by the judges of the Supreme Court;" and the said opinion and decision of the Supreme Judges of any person or persons to be the bonafide citizens of this Nation shall be final and filed away in the office of the clerk of the Supreme Court."

And be it further enacted, That any person or persons claiming to be Choctaw or Chickasaw descent and settle within the limits of this Nation, and fail to prove to be Choctaw or Chickasaw descent, shall remove from this Nation, by the sheriff of the County in which he, she or they may have settled, and in that case he, she or they refuse to comply with the requirement of this Act, then the sheriff of said county shall inform of the existence of the fact to the United States Indian Agent for the Choctaws and Chickasaws to take such steps as he may think proper to effect in

the removal of person or persons so refusing beyond the limits of this Nation.

That the Supreme Judges and Clerk in the performance of this extra duty in addition to what is already imposed upon them, shall be entitled to increase the sum of seven dollars a day each from the National Treasurer, upon the certificates of the Chief Justice and attested by the Clerk of the Court, of the amount of days they may have set, and National Auditor is hereby required to issue his warrant upon the National Treasurer and the National Treasurer pay the same.

Be it further enacted, That this act shall take effect and be in force from and after its passage. Approved this 20th day of March A. D. 1872.

WILLIAM BRYANT, P.C. C.N.

This is to certify that the foregoing is a true and correct copy from the original act of the General - - - of the Choctaw Nation passed and approved by the special session of the Council now on filed in the office of National Secretary at Tushka Homma, the capital of the Choctaw Nation.

Witness my hand and the Great Seal of the Choctaw Nation this the 21st day of October A.D. 1896.

J. B. JACKSON,
National Secretary, Choctaw Nation.

Endorsed:
Department of the Interior,
Commission to the Five Civilized Tribes.
FILED
Tams Bixby,
Acting Chairman.

I, Julius Y. Miller, stenographer to the Commission to the Five Civilized Tribes, certify on oath that the foregoing is a true and correct copy of the Act of the Choctaw Council now on file with the Commission in Choctaw case No. 3954.

Julius Y. Miller

Subscribed and sworn to before me this the 3rd day of July, 1903.

Charles N. Haworth
Notary Public.

(Copy)

In Supreme Court, Oct. Term 1872.

In the matter of the Petition of Wm. Buckholts, R. T. Jones, John Bell.

Their petition asking for a citizenship to be granted to them by the Supreme Court as the law directs have taken the same under consideration, and are of the opinion that the evidences of the witness that they are descendants of the Choctaw people, therefore citizenship is hereby granted them.

I. L. GARVIN, Chief Justice.

J. W. EVERIDGE, Associate.

E. W. FOLSOM, Associate.

Attest:

Green W. Gardner,

Supreme Clerk.

I do hereby certify that the above is a true copy from the original decision of the Supreme Court of the Choctaw Nation.

This 16th Oct. 1872.

GREEN W. GARDNER,
Supreme Clerk of the C. Nation.

ENDORSED:
Department of the Interior,
Commission to the Five Civilized Tribes.
FILED
Tams Bixby,
Acting Chairman.

I, Julius Y. Miller, stenographer to the Commission to the Five Civilized Tribes, certify on oath that the foregoing is a true and literal copy of the decision of the Choctaw Supreme Court on file with the Commission in Choctaw case No. 5854.

Julius Y. Miller

Subscribed and sworn to before me this the ___ day of July, 1903.

Charles N. Haworth
Notary Public.

Choc D 365

CHOCTAW.

IN RE

Application for Enrollment of

Viola INFANT CHILD.

~~Hattie~~ May Simmons

As a citizen of the

Choctaw Nation.

Approved JUN 26 1900

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 26 1900

ACTING CHAIRMAN.

CHOCTAW.

10.355

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of ~~Elora~~ Viola May Simmons born on the 6 day of June, 1900

Name of father: W. H. Simmons, a citizen of the Choctaw Nation.

Name of mother: Lizzie Simmons, a citizen of the Choctaw Nation.

Post Office: Cumberland I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, Lizzie Simmons, on oath, state that I am 31 years of age and a citizen, by Birth, of the Choctaw Nation; that I am the lawful wife of W. H. Simmons who is a citizen, by Marriage, of the Choctaw Nation; that a Girl child was born to me on the 6th day of June, 1900; that said child has been named ~~Elora~~ Viola May, and is now living.

Lizzie Simmons

Subscribed and sworn to before me this 11th day of June, 1900

J. V. Thomas
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, [redacted], M. D., on oath, state that I attended on Mrs. Lizzie Simmons, wife of W. H. Simmons, on the 6 day of June, 1900; that there was born to her on said date a Girl child; that said child is now living and is said to have been named ~~Elora~~ Viola May.

W. M. Dean M.D.

Subscribed and sworn to before me this 11th day of June, 1900

J. V. Thomas
Notary Public.

Roll No 2

MEMORANDA.

(Date) Aug 24 1899.

35 Name Nathaniel H. Simmons

Choctaw ? yes County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship US

Intermarried citizen ? yes

Married under what law ? .....

License filed this day, ...

30 X Wife's name, Matilda E. Simmons

Choctaw ? yes County Blue Year 1 No. 1177

Chickasaw ? ..... County ..... Year ..... Page 177

Citizen by blood ? yes Mother's citizenship Choc

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

X On roll of Lizzie Jones - Not admitted by Supreme Court Act, 1902 with Father R. T. Jones.

Muskogee, Ind., Ter., June 13, 1900.

Mr. W. H. Simmons,

Cumberland, Indian territory.

Dear Sir:

The Commission is in receipt of a birth certificate covering the birth of your infant child, Viola May Simmons. You are advised that the Commission is unable to identify Lizzie Simmons whom this certificate shows to be the mother of Viola May Simmons as having been registered for enrollment as a Choctaw citizen. You will please at once furnish us with the following information: The full name of Lizzie Simmons as well as the names of the different members of her family, when and where she made application for enrollment as a citizen of the Choctaw Nation. On receipt of this further information the matter of the application for enrollment of your infant child will receive further attention.

Yours truly,

Acting Chairman.

Choctaw D-586.

Muskogee, Indian Territory, June 26, 1900.

Mr. N. H. Simmons,

Muskogee, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 16th, and the information contained therein has enabled the Commission to identify you and your wife as being listed among the doubtful claimants for enrollment in the Choctaw Nation. The application for the enrollment of Viola May Simmons, being in proper form, has therefore been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

In reply to this letter,
please refer to 7-D 355

Muskogee, Indian Territory, July 6th, 1900

Mr. W. H. Simmons,

Cumberland, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of the 3rd inst in reference to your wife's maiden name and in which you state that you have not had a reply to your former communication to this Commission in regard to the matter. That you write again believing that the Commission has not received your prior letter.

You are informed that the Commission on June 26th, 1900, acknowledged receipt of your letter of the 16th in regard to your wife's enrollment but through an error instead of being addressed to you at Cumberland it was addressed to Muskogee. The letter in substance, was as follows: Acknowledging receipt of your letter of the 16th and that the information contained therein is sufficient to enable the Commission to identify your wife as being listed among the doubtful claimants for enrollment in the Choctaw Nation and the application of Viola May Simmons being in proper form had therefore been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

In your reply please refer to T D 355.

Muscogee, Indian Territory,

August 18th, 1900.

Nathaniel Simmons,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Matilda E. Simmons as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Ateka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

355

7-D-300.

Muskogee, Indian Territory, September 18, 1900.

Nathaniel Simmons,

Durant, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest to your enrollment is, that you have never been admitted by the Choctaw Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that maymbe taken, will be mailed to you.

Yours truly,

Acting Chairman.

Y-D-555

Choctaw D 355

Muskogee, Indian Territory, April 5, 1902.

T . B. Wilkins,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you desire to be informed if the matter of the application of Nathaniel Simmons and his wife can be heard early on the morning of the 9th instant, and if you will be required to file a certificate from the Clerk of the Court at Atoka showing that you are a licensed attorney.

Replying to your letter you are advised that the matter of the application of Nathaniel Simmons and his wife for enrollment as citizens of the Choctaw Nation, will be taken up on Wednesday, April 9, 1902, at any time after 8:30 A. M.

Before you will be permitted to appear in behalf of applicants, it will be necessary for you to comply with the regulations of the Secretary of the Interior governing the recognition of agents and attorneys before the Commission to the Five Civilized Tribes and Land Office established by said Commission, a copy of said regulations being enclosed you herewith.

Yours truly,

Rec Y-161

Commissioner in Charge.

Choctaw D 383

Muskogee, Indian Territory, July 8, 1902.

Nathaniel H. Simmons,

Cumberland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Nathaniel Reddom Simmons, the infant son of Nathaniel H. and Matilda E. Simmons, born May 28, 1902, and the same being in proper form, has been accepted by the Commission and duly filed with the records of this office as evidence of the birth of this child.

Yours truly,

Acting Chairman.

Choctaw D 355
Miss.Choctaw R404

Muskogee, Indian Territory, October 23, 1902.

Hardy & Franklin,

Attorneys at Law,

Madill, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 21, asking whether N. H. Simmons and his wife, Lizzie Simmons, nee Lizzie Jones, are or will be entitled to allotment in the Choctaw or Chickasaw Nation; also whether W. C. Benson will be entitled to allotment in either of said nations.

In reply to your letter you are advised that it appears from our records that Nathaniel H. Simmons, an intermarried white man, and Matilda E. Simmons, daughter of R. T. Jones and Lurenda E. Jones, and their two minor children, Viola May and Nathaniel Reddem Simmons, have been listed among the doubtful applicants for enrollment in the Choctaw Nation. No decision nor opinion has yet been reached relative to their rights as such citizens.

You are also advised that it further appears from our records that William C. Benson is an applicant to this Commission for the identification of himself and his eleven minor children as Mississippi Choctaws. On April 15, 1902, this Commission refused his application for the identification of himself and his children as Miss-

issippi Choctaws, and on May 21, 1902, the said decision of the Commission was affirmed by the Secretary of the Interior.

Respectfully,

Acting Chairman.

Choc 5741 Rebecca Hamilton

Trans from Choc #D369

1465

MEMORANDA.

Ar MC

(Date) Aug 25 1899.

Name .....

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, ...

Wife's name, Rebecca [illegible]

Choctaw ? Yes County Blue Year 96 No. 6 X 3 6

Chickasaw ? ..... County ..... Year ..... Page 111 2

Citizen by blood ? Yes Mother's citizenship Choc

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

3 Mary M. [illegible] County Di Year 1 Page 1 No. 1 3 6

17 Nancy ..... County ..... Year ..... Page ..... No. 1 1 3 7

15 Rufus ..... County ..... Year ..... Page ..... No. 1 3 3 8

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

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..... County ..... Year ..... Page ..... No. .....

#1: Not admitted [illegible] by Supreme Court [illegible]

R 1369

her
Rebecca x Hamilton
mrs.

J. S. Mullens

W. D. Harrison

J. A. Roppolee

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Atoka, I. T. Dec. 7, 1900.

The Choctaw Nation	:	
vs	:	D 355
Francis M. Jones	:	

APPEARANCES

For the Choctaw Nation, Melvin Cornish, Esq.

For the applicant, J. G. Ralls, Esq.

Joseph R. Plummer being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Cornish.

Q What is your name? A Joseph R. Plummer.
Q What is your age? A Sixty seven.
Q You are a citizen of the Choctaw nation are you? A Yes sir.
Q Admitted to citizenship by the Choctaw Council? A Yes sir, by blood.
Q I want to get a statement from you for the information of the Commissionin regard to your admission to citizenship. When were you admitted? A 1883.
Q now what persons were named in that act of admission?
A I only petitioned to be recognized myself.
Q What children did you have living at that time? A Well all of the children.
Q How many? A Eight.
Q All living at that time? A All living, no sir.
Q Some born since? A No sir, the oldest one married Butler and was dead. The youngest girl died since.
Q After that act of admission the Choctaws recognized you as a citizen? A Yes sir.
Q Immediately after your admission to Choctaw citizenship the Choctaws recognized you? A Yes sir.
Q Immediately after that did they also recognize your children, your family at that time? A Well, they did. They got the Leased District money, three of the boys.
Q Three of the boys got the leased District money? A Yes sir
Q When was the second act passed? A I think in 1895. Possibly in 1894. I have the papers with me.
Q How many of your children did not get the Leased District money. A Walter G. Plummer and Mollie G. Ragen.
Q And her children? A Yes sir.
Q Did Walter G. Plummer have children also? A Yes sir.
Q The children were your grand children? A Yes sir.
Q Any others? A I think Franklin E. Plummer.
Q And his children? A He had no children.
Q Was he your son? A Yes sir.
Q Why did they fail to get the Leased District money? A Because they failed to be here the year before the Choctaw lease. All the citizens who vote not within the bounds of the Choctaw Nation would not be counted in the Leased District payment.

Q Then these people you have mentioned were not living in the Indian Territory in 1893 were they. Is that your statement? A Yes sir. They were here but they come in 1892. I think that act was passed in April. In 1893 the payment was.

Q The payment made in 1893 on the rolls made in 1892?

A Yes sir.

Q They were not living in the Choctaw Nation in 1892? A No sir, they come after the roll was made up except three that received their money.

Q Did all of your children who were living here at the time the roll was made up, receive their Leased District money? A Yes sir.

Q And those who did not reside here when the roll was made did not receive the money? A No sir.

Q Where did they live? A They had moved to Texas.

Q When did they move back? A I think in the fall and winter of 1892.

Q They had lived here however, from the time you were originally admitted up to the time they moved to Texas? A Yes sir.

Q This second act was passed in 1895? A '94 or '95.

Q Whose names were included in that act? A All included except those who were living out there. I asked them to come here and live with me and if they would not come here their names would not be in there.

Q Then in the second act of admission the names of all your children who were then in the Indian Territory and living with you were mentioned? A Yes sir.

Q Why did you have that second act passed? A I believed it was right. I wanted the act passed. I wanted to be fair with the Nation.

Q You felt that if this second act, stating their names was not passed, there might be some question as to their citizenship?

A Yes sir. Brazell Leflore told me to have my children recognized as soon as I could.

Q By the Council? A Yes sir.

Q And in obedience to that advice you had this act passed in order that there might be no question? A I did, sir.

Q Who else did you talk with about that? A Several of my friends. J. B. Jackson, was the man I first had a conference with. He was then National Secretary.

Q You talked quite generally among your friends? A Yes sir.

Q Did you advise with Mr. Telle about it? A Yes sir, he drew the petition.

Q And Telle represented you before the Council by which the second act was passed? A No sir, just drew the bill upon my direction. I placed the matter before the Council myself.

Q Mr. Telle drew the bill? A Yes sir, I dictated it.

Q Did you ask his advice? A I just asked him to draw the ill He was an attorney and of course knew about it, I told him I wanted the bill to place before the citizenship committee and wanted my children that was here recognized and those who would not come here would not be in.

Q You understand that this does not affect your citizenship?

A I will just say, my daughter Fannie Seals, I asked her why she wouldn't live in the Indian Territory.

Q You understand this does not affect your citizenship but another question before the Commission

Examination by Mr. Ralls.

Q It wouldn't make any difference if it did apply to your case you would answer the same way, wouldn't you? A I am pretty sound on it.

Q As I understand you then, you only mentioned your own name in the petition to be admitted as a member in 1883. You were admitted

and as soon as you were admitted your children who were here with you were recognized by the Choctaws? A Yes sir.

Q They got all the benefits as other Choctaws and afterwards in order that there might be no question at all, you had an act passed specifically naming all the children who were then here?

A Yes sir.

Q And I also understood you to say that your children who were residing here - in regard to the payment of the Leased District money - were placed on the Leased District roll? A Yes sir, three of them .

Q Now isn't it a fact that your son Charley Plummer was elected to Council before he was specifically named in any act of admission. A Yes sir.

Q In every way your children were regarded as Choctaws? A Those that were here.

Q That was on the theory that you being the father , your children were entitled to recognition as Choctaws? A Yes sir. He was on the Indian Police for nine years. I heard him say so yesterday

Q They didn't have any one on the Indian Police but Indians?

A No sir.

Q And as I understand you those that did not draw Leased District money were not here at the time the act for the payment of that money was passed, and under the act they could not draw the money, not being residents? A They could not receive the payment but did not affect their property rights.

Myra Young being first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date

Myra Young.

Subscribed and sworn to before me this 18th day of December , 1900.

Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T., December 7, 1900.

The Choctaw Nation :
:
vs. : D-357
:
James M. Buckholts :

A P P E A R A N C E S .

For the Choctaw Nation, Melvin Cornish Esq.
For the Applicant, J. G. Ralls Esq.

William Buckholts being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Ralls:

Q State your name? A Just William, no middle name.
Q William Buckholts? A Yes sir, Buckholts.
Q How old are you Mr. Buckholts? A I lack about one month of being eighty three years old.
Q How long have you lived in the Choctaw Nation? A Well, I moved here across Red River the first day of March, 1872 and been here ever since.
Q 1872? A Yes sir.
Q Who came with you to this country? A Well, my children all come but one.
Q Which one was that? A That was fate. W. L. Buckholts.
Q Are you acquainted with R. T. Jones? A Yes sir.
Q When did he come to this country? A He come here when I did.
Q Were you acquainted with John Null during his lifetime?
A Yes sir.
Q When did he come to this country? A He come shortly after I did. I suppose in ten days. I don't know exactly.
Q What relation were they of yours? A John Null married my oldest sister, Sarah H. Buckholts.
Q What relation was Mr. Jones to you? A He married my oldest daughter, Lura Elizabeth Buckholts.
Q Did their children come with them at the time they came here? A All they had.
Q The other children have been born in the Nation, have they?
A Yes sir.
Q Do you remember being before the Supreme Court of the Choctaw Nation in 1872? A Yes sir.
Q Who were the Supreme Justices? A There was- - I don't know their given names- there was Garvin, Everidge and Fulsom. I think Fulsom lived at Skullyville. I have forgotten their given names.
Q Were you and Mr. Jones and Mr. Null admitted to citizenship in the Choctaw Nation by judgment of that court? A Yes sir.
Q What year was that and what month? A That was in - well it was at the regular Council in October but it might have been in November before the court decided on it.
Q And what year? A That was in '72, 1872.

Q Now, Mr. Buckholts, just you and R. T. Jones and John Null were mentioned in the judgment were you? A That was all that was in the duplicate they gave us.

Q Do you know why it was that your children were not mentioned in the judgment? A Well, I don't know that I could tell you. While I was on the witness stand I told the court that I thought my and my sisters children ought to be in the petition.

By Mr. Cornish.

Q Does the Commission think it proper for him to repeat the statement he made at that time, a self serving declaration?

Mr. Ralls: It is not going to be a self serving declaration.

Mr. Cornish: I should think it would be Mr. Ralls. It is a statement that he made in his own interest.

Mr. Bixby: Let us see what the question is first.

By Mr. Ralls:

Q Go ahead. A In regard to naming the children, I told them I thought all of our childrens names ought to be in the petition and Judge Garvin, Chief Justice, said "Mr. Buckholts there is no use of it. If we recognize you older ones that includes all your descendants." I hushed, of course I could say no more.

Q Speaking as the Chief Justice of the court, he informed you that? A The Chief Justice, yes sir.

Q Now, where have you all lived since you came to the Nation. I mean in the nation or have you lived out of the Nation? A We aint lived out of it, we have lived here, have been out only on a visit or on business.

Q Been out just temporarily? A Yes sir.

Q Now since the Supreme Court admitted you three older ones state whether or not the Choctaw authorities have recognized the children as citizens of the Nation? A Well, we have been recognized, the children and all, ever since, until the last year or such a matter.

Q After this question was raised? A Yes sir. There was no objection before.

Q Well have the Choctaw Authorities themselves ever made any objection to you? A None that I know of. Not a particle.

Q They have always voted have they? A Yes sir.

Q Owned farms? A Yes sir.

Q Enjoyed the schools and privileges of Choctaws? A Yes sir and served on juries, worked the roads, acted as judges of election and all likes.

Q Been placed on the various rolls made by the Choctaws have you? A Yes sir.

By Mr. Bixby.

You are referring to himself or his children?

Mr. Ralls: To all of them.

By Mr. Ralls:

Q And they were paid Leased District money were they by the Choctaw authorities? A Yes sir.

Q Several of the defendants have married white persons have they? A Yes sir:

Q Have those white persons been recognized by the Choctaws as members of the Nation? A Well, I think so. I never heard anything to the reverse at all.

Q And ever since 1872, the Choctaws have always recognized you, Mr. Jones and Mr. Null and all of your children? A Yes sir.

Q And have recognized Mr. Jones children? A Yes sir.

And Null's children? A Yes sir.

Q As members of the Choctaw Nation and you have enjoyed all

the privileges and benefits as other Choctaws? A Well with one exception.

Q What was that Mr. Buckholts? A That is my sister died and Uncle John, I always call him uncle, he married a white woman, and has one child by her. Well they were included in the petition but they knew they had no blood and they just withdrew.

Q They are not claiming citizenship are they? A No sir not at all.

Q One other thing. Do all of you own farms here in the Choctaw Nation, and Chickasaw together I mean? A Yes sir.

Q All that you have then is in the Choctaw and Chickasaw Nations? A Yes sir.

Q They have nothing anywhere else? A If any of them have anything outside I don't know it. I don't think they have though.

CROSS EXAMINATION BY MR. CORNISH.

Q You say this was in October or November of 1872 Mr. Buckholts- it was in October or November was it not that you appeared before the Supreme Court? A Yes sir.

Q Did John Null and Mr. J[illegible] appear there with you? A Yes sir.

Q The three of you went to Council? A Yes sir. Well, some of our children were there.

Q Some of your children were there? A Yes sir.

Q You say you stated to the Supreme Court that you thought the names of the children ought to be included in their judgment?

A Yes sir.

Q What led you to think so? A Well, I don't know as I could tell you that. I just thought they all ought to be there.

Q You thought they all ought to be there didn't you? A Now I can tell you why. When I first- - I spoke to old Governor Walker Tandy Walker, and asked him who would be a suitable man to write up a petition. They told me I would have to make a petition. Well, he just pointed me out to Tom Ainsworth. I knew he was a pert boy but I didn't know he was a lawyer and he was taking all the names down and Null and Jones got off a little piece and talked a little and they called me out there and said "We think we had better get a lawyer to tend to it if it does cost something" I said all right. Well if I had known that Ainsworth was a lawyer I never would have gone to another.

Q Who did you go to? A Campbell Leflore.

Q Campbell Leflore was a citizen of the Choctaw Nation? A Yes sir.

Q Practicing law before the Choctaw courts and council? A Oh yes.

Q Did you have any witnesses before the Supreme Court Mr. Buckholts? A Yes sir.

Q Who appeared before the Supreme Court as your witnesses?

A I had old Null, Robert Jones and old Tandy Walker and Mrs. Black. She only sent her testimony, and Mrs. William Gardner.

Q Did you have any children who lived in Texas after you came here? A One.

Q How long did he remain there? Well squire, it has been so long I can't tell you.

Q He came here several years afterwards did he? A Yes sir.

Q He was not living here when this act of admission was rendered? A No sir.

Q Did not live here until several years afterwards? A Yes sir.

Q Is he claiming rights of citizenship? A Yes sir.

Q When he moved here several years after that time, did he go before the Council to be admitted? A No sir.

Q Then he was not admitted by act of Council when he moved here? A No he went to the officers, I don't know which one only

Gardner and he said just associate with the leading characters here and let them know who you are.

Q What is his name? A William Lafayette.

Q Is he living now? A Yes sir he was a short time ago.

Q Was he a married man when he moved to the Indian Territory?

A Yes sir.

Q Has he grand children or just children? A He has only one grand child and two living children.

Q Has one grand child and two children? A Yes sir.

Q They are now claiming citizenship of course, they are now claiming to be Choctaw Indians? A Yes sir.

Q What about the children of Mr. Jones. What children did Mr. Jones have at that time? A I think they had seven children when they come and five born after.

Q Seven children when they came and five born afterwards?

A I think that is it.

Q Did the seven all come with him? A Yes sir.

Q They have all lived here since that time? A All lived here since that time.

Q What about Mr. Null's children. What children did he have at that time? A Two single and some of them come the year before and they all I think come with him. Them that was married come with him.

Q Well, the Null who was your sister's husband is not now living? A No sir.

Q He is not the John Null who is now applying? A No sir.

Q This is his son? A Yes sir.

ALINTON TELLE being duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Ralls:

Q State your name? A A. Telle.

Q What is your age Mr. Telle? A Forty one years.

Q You are a Choctaw Indian by blood? A Yes sir.

Q Born and raised in the Choctaw Nation were you? A Yes sir.

Q What official positions have you held in the Choctaw Nation?

A I have held several positions. The longest position I have held was National Secretary.

Q Have you held the position of National Attorney for the Choctaw Nation? A Yes sir.

Q You have been a practicing attorney in the Choctaw courts for how long? A For nineteen years.

Q During this time you have examined the laws of the Choctaw Nation on various questions and especially in regard to the question of citizenship have you, Mr. Telle? A Yes sir.

Q Now, state Mr. Telle, if prior to October 1872, there was any law of the Choctaw Nation requiring Choctaws coming to this Count ry to be admitted in order to enjoy the benefits as Choctaws?

A What was the date?

Q October, 1872? A My recollection is there was not? The law that you refer to - I think the law that is on file there with the Commission - is the first law and I think it was passed at a special term in 1872 earlier than October.

Q What time in 1872? A I think in April. I have forgotten the date exactly.

Q Then prior to that date they had no law requiring persons to be admitted by the Choctaw Council or by the courts or in any other manner in order to enjoy the privileges as Choctaws? A I have never been able to find any law they required Choctaws to be admitted by any act of Council.

Q If a Choctaw came to this country and the officials of the Choctaw Nation recognized him as a Choctaw prior to that act, then he took the privileges as a Choctaw and was duly recognized was he?

A That is my understanding.

QAs a matter of fact a great many of the Choctaws that are now

in the Choctaw Nation have come here and have never been admitted by any act at all have they Mr. Telle, and are now recognized? A Yes Sir, a great many of them, possible four or fivehundred, I mean by that people that did not come at the time of the emigration provided by the treaties but who simply emigrated; simply came out here afterwards. They came all the way from the time of the emigration in the thirties up to this time in 1872 when the law was passed.

Q Were you a member of a Commission that made the rolls of the Choctaws in 1893? A Not in the Choctaw Nation.

Q Were you in the Chickasaw Nation? A I made the roll in the Chickasaw Nation of Choctaws residing in the Chickasaw Nation.

Q Were you a member of the Commission that made the roll in the Choctaw Nation in 1896, I believe it was, or 1897? A No sir, not in the making of the rolls.

Q What position did you hold in that regard, in connection with the citizenship business? A No connection with it at all in 1896 or 1897 either.

Q Not being acquainted with the laws and customs of the Choctaw Nation, Mr. Telle, in the preparation of the Leased District roll were persons of white blood put on as Choctaws or were only Choctaws by blood placed on the roll? A Only Choctaws by blood.

Q Your Commission determined the question of blood? A That is we enrolled them. Then there was a kind of revisory board that passed on all of them. I think from the rolls that we made in the Chickasaw Nation of Choctaws residing there, possibly they cut out four or five.

Q And then the Leased District payment was made to those remaining on the roll after the revisory board had gone over it?

A Yes sir.

CROSS EXAMINATION BY MR. CORNISH:

Q Mr. Telle, you stated that you were National Attorney of the Choctaw Nation? A Yes sir.

Q How long have you been National Attorney? A About a year and a half.

Q You were a member of the citizenship commission of the Choctaw Nation appearing before the Dawes Commission, were you not?

A I was simply clerk of the Commission.

Q How long were you clerk of the Commission before the Dawes Commission? A I have been figuring that up.

Q Since the fall of 1898? A Either the fall of 1897 or 1898. It was the first--

Q Yes - well--you have given a construction as you understand it of the laws, customs and usages of the Choctaw Nation as to citizenship matters? A Yes sir.

Q You are an attorney in this case are you not? A I am, yes sir.

Q Do you know of any other act of Choctaw Council through which persons claiming Choctaw citizenship, that does not specifically mention the names of all the persons living at that time upon whom it is desired to confer citizenship? A No sir, I know of no act specifically on the statute books. Now there is one - there are possibly one or two that allowed people to stay here;

Q Possibly one or two? A Yes sir, I remember that in the old J. P. Folsom code. Code made in 1869 by J. P. Folsom. I see there that they allowed a white man to stay there on account of his marriage - or during good behavior I believe.

Q That is an exception or two I believe? A And then there was a band of what they called Biluksha. It seems that they were really Choctaws and in attempting to come to this country, not knowing the geography of the country went south of here and finally stepped up in the Caddo country and what is known as the leased District. They spoke the Choctaw language and had the customs of the Choctaws and some time long about the year 1857 I believe, - I

simply speak from memory, they allowed those Bilukshas to come down here as Choctaws.

Q Now those Buckholts and Jones people don't claim to be Bilukshas do they? A No sir.

Q Going back to the question. Do you know of any other act of the Choctaw Council that assumes to confer citizenship on persons that don't specifically name those upon whom it is desired to confer Choctaw citizenship? A No sir.

Q You don't know of any other act? A No sir, I don't.

Q You stated that you are familiar with the laws of the Choctaw Nation, have held various positions and practice law before the Choctaw courts? A Yes sir.

Q You are reasonably familiar with the Choctaw laws are you not? A Reasonably so, yes sir.

Q About how many acts would you say there are of the Choctaw Council that have been passed since they began that business, about how many acts? A I Don't know.

Q You could guess at it couldn't you? A I have copies of the pamphlets and could refer to them.

Q They are exceeding one hundred are they not? A I could not say as to that.

Q I would like to have you give me an idea. A If you will let me get my books.

Q There are a great many acts are they not? A Yes sir,

Q Would you give your opinion that they would exceed fifty acts specifically conferring citizenship. I suppose you would not hesitate to say they exceed fifty would you? A I would not say as a matter of fact I don't believe they go over fifty. There are a great many acts referring to citizenship but most of them refer to rejected cases.

Q There are a great many. You would not care to fix the number? A No sir.

Q Now of all that number, be it fifty, sixty, forty or two hundred, you don't know of any act that assumes to confer citizenship that doesn's name the parties specifically do you, except this act of Buckholts, Jones and Null, do you? A Well, sir, to tell the truth, I don't know any act that requires it at all.

Q My question is this. You state there are a great many acts?

A Yes sir.

Q Ranging it may be from forty, fifty to two hundred, there are a great many acts? A I don't say so.

Q This is my question. Of that number of acts, now do you know of any other act that assumes to confer citizenship upon persons that does not specifically name the persons upon whom it is desired to confer citizenship that does not specifically name the persons in it? A Yes sir, I do.

Q Well mention them? A I know one or two. One is a case of Henry Marshall.

Q Henry Marshall. What other? A J. R. Plummer.

Q What other? A In the acts of 1884 you will find a list passed on that didn't name anyone but the claimants. Sometimes had the word 'family' and sometimes not.

Q Are those the only ones you know? A Well,there are several names included in this list. The Council made a general list and where John Smith appeared,maybe said husband and children, or wife and children.

Q What act is that now? A I think about the year 1884.

Q Who were those persons? A I couldn't say.

Q Were they Mississippi Choctaws who had just joined the people here? A No.

Q Were they not Mississippi Choctaw people? A No sir.

Q Where did they come from? A They appeared at Council.

Q Well,where did they come from. A They lived here.

Q How long had they lived here? A I don't know.

Q How long have they been from Mississippi? A They were not Mississippi Choctaws.

Q But you don't know that they were Indians who had come from Mississippi. A I could not say. I know some of the people have been living here as long as I could remember.

Q But you are not able to state that they did not come direct from Mississippi to the Choctaw Nation? A I think I am in some of the cases.

Q Are you able to state in all of the cases? A No sir, I am not.

Q Is it not a fact that in the Plummer case after an act had been passed naming the heads of the families that those parties appeared before the Council and all parties naming were mentioned?

A Yes sir, I prepared the act myself.

Q Why did you prepare the act? A The reason for that is this: One of the Plummer boys had been elected to the Council. He had gone through the election and was elected to Council and had a seat as a member of the Council and it seems that someone suggested the idea that they could not find his name admitted by act of Council.

Q Someone suggested that? A Yes sir, who it was I could not say.

Q Suggested that as a reason why he should not be elected to Council? A I could not say.

Q There was a question raised though? A Yes sir.

Q Why was the act amended? A Well, I heard it and I had been one of their supporters and I wanted no question raised. Of course with my information I could see the possibility of a question being raised so I filed a supplemental petition to the original, setting forth that they had been recognized and one of them was at that time sitting as a member of Council, and I thought it was safer for the family. And filed the act and admitted the whole family.

Q Were you one of the ones who raised this question? A No sir.

Q Who raised it? A I don't remember.

Q There was a question raised? A I heard it.

Q Raised in Council? A It was outside talk.

Q It was in response to the question that was raised that you drew the act was it not? A Indirectly you might say it was.

Q You were a practicing ~~xxxxxx~~ attorney at that time? A Yes sir.

Q And were familiar at that time with the laws, customs and usages of the Choctaw Nation? A Yes sir. I knew it was no matter but simply did it as a matter of precaution.

Q As a matter of precaution you drew the act and had it passed? A Yes sir.

Q When did the Choctaw Council pass a law requiring the names of all persons upon whom it was desired to confer citizenship presented to the Supreme Court? A I don't remember any such law sir. There is no law to that effect.

Q My understanding was from Mr. Ralls that in 1872, - he asked you that prior to that time there if there was any law requiring anyone to be admitted? A There was no law before then.

By Mr. Bixby. Is this evidence or not?
Mr. Cornish? A I don't know.
Mr. Bixby. Is it in reply to your question? A I presume it is.

A There were people living here who never were here until that time, some of the most prominent families, come in fifty or sixty. They never had to be admitted to citizenship and that act in 1872 was the first act that was ever recognized.

Q Do you state that as your opinion or as a fact? A A fact. A matter of law and record.

Q That is the first act of the Choctaw Council admitting specific persons to Choctaw citizenship? A Yes sir. Now there- Was another act passed later on. It didn't relate specifically to the method of making applications except one part of it. That was that it required a receipt from the National Treasurer of a payment of one hundred dollars for each name asked to be enrolled.

Q When was that? A In 1888, I think.

Q Considerably later than that? A Yes sir.

Q Then you stated as a matter of law and fact that this Buckholts, Jones and Null act was the first act of the National Council admitting persons to Choctaw citizenship? A This was not an act of Council.

Q Well an act of the Choctaw authorities? A Yes sir, in 1872.

Q Do I understand now as a matter of law and fact, that it is the first act of the Choctaw authorities specifically granting Choctaw citizenship to persons? A Under the law yes sir. They were the first people. It was the first case that come up under the new law.

Q Under the new law? A Under the law of 1872.

Q Conferring this jurisdiction on the Supreme Court? A Yes sir.

Q Then you state there is no act of Choctaw Council prior to that time specifically conferring citizenship upon applicants?

A I know of none.

Q Didn't you state, Mr.Telle - I don't believe you were quite accurate in your statements - your opinion as a lawyer or do you state it as a matter of law that there wasn't any law prior to the law in 1872? A There was no Choctaw law requiring citizens to prove their right to Choctaw citizenship prior to this act of 1872. That's the law.

Q Here is what I understand your answer to mean. I understand that you stated that there was no law prior to 1872 of the Choctaw Council or the Choctaw authorities prior to the admission of these Buckholts, Jones and Null families that conferred or assumed to confer citizenship upon individual persons? A Oh, I would like to understand you first. I gave you some exceptions and you said those exceptions did not apply.

Q As I understood you to state a minute ago, this was the first act of Choctaw authorities conferring or assuming to confer citizenship and before that time did not confer citizenship?

By Mr. Ralls? I would like to understand you myself.
Mr. Cornish. I am not mixed at all. If you understand English you will understand this.

Q Is this the first act of the Choctaw Council or the Choctaw authorities conferring citizenship upon specific persons, upon persons naming them? A No sir, it is not. There are those exceptions that I spoke of.

Q Prior to the admission of the Buckholts people? A Yes sir.

Q Then there are acts of the Choctaw tribal authorities specifically conferring citizenship upon persons prior to that time are they not? A No cases of this kind.

Q Perhaps there are different cases, different persons and people but they are persons, people admitted prior to this time?

A I could not say they were admitted. You use a word there that was not known to the statute at that time.

Q I will amend the word. A There were some permitted to live here. They were white people or people of no real descent but they allowed them to stay here.

Q That was prior to the Buckholts admission? A Yes sir.

Q Those Bilukshas you speak of? A Yes sir those were specific acts.

Q Those people were specifically named in the act were they not? A Who?

Q Those people that were permitted to stay here? A You mean the Bilukshas?

Q I mean all persons who were permitted to stay here. They were in the act were they not? A No sir, not all of them. Just heads of families.

Q Is this a clear recollection of the law or just as you remember it? A My recollection and I have seen them. One of the old descendants is living up here in Tobucksy County by the name of Tolu Pase, his English name is Charley Keel.

Q Now those Bilukshas you spoke of being permitted to live here, were they not admitted to citizenship? A I could not say. I could not say that the word citizenship appeared as used now.

Q Now those Buckholts people claim to have full rights of citizenship? A Yes sir.

Q Now is there any act of the Choctaw tribal authorities prior to the admission of the Buckholts people that confers or assumes to confer full citizenship upon persons, specifically named? A No sir, there is not. No sir.

Mr. Ralls:

Q As I understand, you stated Mr. Telle, that law of 1872 was the first act of Choctaw Council requiring persons to prove up citizenship? Was that the act conferring jurisdiction on the Supreme Court? A Yes sir.

Q But prior to that time the Choctaw Council had passed some specific acts in regard to persons residing in the Choctaw Nation permitting them to remain, or recognizing them to that extent? A Yes sir.

SIMON E. LEWIS being duly sworn by Acting Chairman Bixby, testified as follows:

Mr. Ralls:

Q Your name is S. E. Lewis? A Yes sir.

Q How old are you Judge? A Fifty nine.

Q How long have you lived in the Choctaw Nation? A Born here.

Q What official positions have you held in the Choctaw Nation?

A I have held a good many.

Q You are a citizen of the Choctaw Nation? A Yes sir.

Q You have acted as one of the Commissioners of the Choctaws in preparing the rolls that have been made by the Choctaw Nation have you? A Yes sir.

Q You are at present one of the Choctaw Commissioners? A Yes sir.

Q Representing the Choctaw Nation in the hearing of the protest cases? A Yes sir.

Q Of persons Claiming citizenship in the Choctaw Nation? A Yes sir.

Q Were you a Commissioner that assisted in the preparation of the rolls of 1893? A No sir.

Q Were you one in 1896? A Yes sir.

Q What part of the Choctaw Nation did you work in? A There was two boards that worked on this.

Q When the first roll was made? A I made the roll of the Chickasaw Nation, of Choctaws residing in the Chickasaw Nation. Afterwards, the roll that was made of the Choctaw Nation was very incomplete and there was another board formed to go over that roll again and I was Chairman of the Board for the first district and was afterwards a member of the board that revised the roll at Tushkahomma.

Q When you were in the Chickasaw Nation making the rolls of Choctaws in 1896, did you enroll any of the descendants of Mr. William Buckholts, R. T. Jones or John Null? A Yes sir.

Q Who was it you enrolled, Judge? A Well, I think old man Buckholts himself happened to be up there and I think I enrolled

him up there. I remember John Null was at Tishomingo and I don't remember exactly where he enrolled. I think we enrolled some of the Buckholts people up there.

Q Do you know Frank Plato? A Yes sir, we enrolled them.

Q And W. D. Bailey? A Yes sir.

Q You were acquainted with the condition of their citizenship? at the time,were you not? A Not particularly but I had a copy of the 1893 pay roll. And I noticed they had all drawn their money.

Q Now, Judge, are you acquainted with the different provisions of the Choctaw laws in regard to the admission of persons to citizenship? A Yes sir, pretty well.

Q Was there any law of the Choctaw Nation prior to this act conferring jurisdiction upon the Supreme Court of the Choctaw Nation in 1872 requiring persons to prove up citizenship or to be admitted by any act in order to enjoy the privileges of Choctaws? A I don't remember that I ever saw that law. I was just looking over it a moment ago. I don't think I ever saw the law but it was passed some time about seventy one or two.

Q Was there any law prior to that time? A No sir, there was no law requiring Choctaws who come here and come from Mississippi to prove up their right. They just come here and settled down as there were old people enough to identify them at that time.

Q Then Choctaws coming here and identified by Choctaws who were here, would be recognized by the Choctaw authorities and treated as members of the Nation? A Yes sir.

Q There are a great many of the Choctaws that came here. A I know of two families down by Skullyville since the war I know never was admitted.

Q What are their names? A Wadkins, married Campbell Leflore's sister, and his family. Puryea and Captain Reynolds and his family.

Q Who composed the revisory board at Tushkahomma when you made up the roll? A Alexander Durant was Chairman, myself and Ben Wadkins. That is the 1896 roll.

Q Do you know who composed the revisory board when the roll for the payment of the Leased District money was made? A The Governor and his cabinet, whoever they were at that time.

Q Do you remember their names? A Governor Jones, William W? Nelson was treasurer, Jacob Jackson Secretary.

Q Who was National Attorney? A I believe I am mistaken about the treasurer. I expect McCurtain was the treasurer. I am not certain. They cha nged hands about that time. Nation Attorney- I don't remember who that was.

Q And they were supposed to take off the names of all those who were not recognized citizens were they? A Yes sir.

Q And recognized by blood? A Yes sir. Besides that there were a great many that had got left over and did not get enrolled and they went down there and was enrolled by that board.

Q Are the Commissioners appointed by the Choctaw Nation objecting to the enrollment of these descendants of Buckholts, Jones and Null? A No sir.

Q They are willing that they should be enrolled? A We raised no objection. Well, there might have been some of the Commissioners up in the Chickasaw Nation. There was objection raised up there by some of the Commissioners. I don't know.

Q In your opinion and being acquainted with the laws and customs of the Choctaws are you, or would you say, that they are recognized citizens of the Choctaw Nation or not? A They have always been. The first time I got acquainted I met some of the jury, Judge Vincent was judge and he got crippled and I come down here to hold court for him. I found them on the jury. I asked who they were and they said Choctaws who had been admitted.

Q Knowing the case as you now know it, what would be your opinion as to their being recognized citizens? A I would not like to give my opinion. The Dawes Commission is settling that.

CROSS EXAMINATION BY MR. CORNISH:

Q These two families you speak of as being recognized with an act of the Choctaw Council, is it not a fact that they come direct from Mississippi to the Choctaw Nation? A Yes Sir.
Q Came direct from the old Choctaw Nation to this country?
A Yes sir.
Q These Buckholts people; where did they come from? A I don't know. I wasn't acquainted with them until in 1886.
Q Is it your understanding they come from Texas here? A I have heard some of the witnesses state that.

WILLIAM BUCKHOLTS being recalled testified as follows:

RE-CROSS EXAMINATION BY MR. CORNISH.

Q You state you moved from Texas to the Indian Territory? A Yes sir.
Q How long had you lived in the state of Texas before removing to the Indian Territory? A Twenty-one years.
Q Where did you live? A Smith County.
Q Did you own a farm there? A Yes sir.
Q You owned property there? A Yes sir.
Q What property did you own in Texas? A One hundred and eighty some odd acres in one tract of land and over two hundred in another.
Q That was in Texas? A Yes sir.
Q Well go ahead. A I had some niggers before they were set free.
Q You voted in the state elections, state and national elections? A Yes sir.
Q You were a citizen of the State of Texas? A Yes sir.
Q Did you ever run for office? A No sir.
Q Never held office? A No sir.
Q How long did Mr. Jones live in Texas, Mr. R. T. Jones?
A I don't know,sir.
Q What is your understanding about it? A He claimed that he come there in fifty four or five.
Q In fifty four or five and lived there until 1872? A Yes sir.
Q All right. He lived there a great many years then? A Yes sir.
Q Did he own property in the State of Texas? A Yes sir he owned some land.
Q Did he vote in the state and national elections in the State of Texas? A I suppose he did. But I don't remember that I ever saw him vote.
Q You never saw him vote? A I don't know as I did.
Q How long had Mr. Null lived in Texas? A He moved there when I did.
Q And left there when you left? A Yes sir.
Q Did he own property in the State of Texas? A Yes sir.
Q Did he own land? A Yes sir.
Q And other property? A Yes sir.
Q Did he vote in the state and national elections? A Yes Sir.
Q He was a citizen of the State of Texas and recognized as such? A Yes sir.
Q Where did you come from to Texas? A Mississippi.
Q When did you leave Mississippi? A I left Mississippi in the Fall of 1850.

Q How long had you lived in Mississippi, Mr. Buckholts?
A I lived in Mississippi about eight years.
Q About eight years? A Yes sir.
Q Where did you come from to the State of Mississippi? A Well let me go back and start and come forward.
Q Well. A I was born in Smit County, Mississippi, near the Louisiana line and when I was about six years old my parents moved to the old Choctaw Nation which is now Sumpter County. Lived there until I was twenty four years old. Started to Texas and stopped in Louisiana.
Q How long did you live in Louisiana? A From the first of May to the first of November when I come back to Mississippi and stayed there eight years and then I started to Texas again.
Q You say you were born in Mississippi? A Yes sir.
Q Now, did your father move out of Mississippi? A Yes sir.
Q Where did he move to? A To the old Choctaw Nation.
Q From this county where you were born up to the Choctaw Nation? A Oh,no,he moved from Smit County to the old Choctaw Nation.
Q And you lived there until you were how old? A Twenty four.
Q Now you and Mr. Null and Mr. Jones lived in the State of Texas many years before moving to the Indian Territory?
A Yes sir.
Q Owned property there and voted there? A Yes sir.
Q And were citizens of the State of Texas? A Yes sir.
Q How did you come to move to the Indian Territory? A Well, I can give you the history of it if you want it. When the niggers were set free I knew that I could not furnish homesteads for all my children, and I just told them, I had been up here about '57, 1857, I had been up here and I told them, says I, I have plenty of relatives there and I know I can prove it and if you will just all agree, we will pull up and sell out and you can get homes for yourselves.
Q Then you come here to get homes for yourself and family?
A I came because I knew I was a Choctaw.
Q You come here to get homes for yourself and family? A Yes sir, of course.

RE DIRECT EXAMINATION BY MR. RALLS.

Q Then did you all sell out in Texas and come over here?
A Yes sir.
Q Did these witnesses that you had before the court know you when you were in Mississippi? A Yes sir.
Q They knew that you had come from Mississippi? A Yes sir, they knew me in Alabama.
Q What family of the Choctaws did you come from? A Zadoc Brasheers.

By Mr. Telle:
Q That Sumpter County you spoke of is in Mississippi or Alabama? A Alabama.
Q The state lines have been made since that time have they?
A Yes sir, a little of the old nation run into Alabama and it was in Sumpter County.

RE CROSS EXAMINATION BY MR. CORNISH.

Q This county in which you were born was not in the old Choctaw Nation in Mississippi? A Oh up next the Louisiana line.
Q And after you were born your father with you moved into the old Choctaw Nation? A Yes sir.

Myra Young, having been first duly sworn states that as stenographer to the Five Civilized Tribes, she reported in full

all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 25th day of January, 1901.

Guy L. V. Emerson
Notary Public

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF JAMES M. BUCKHOLTS ET AL

TO BE ENROLLED AS MEMBERS OF THE CHOCTAW NATION:

The deposition of Joel Everidge taken at the residence of Joel Everidge about nine miles east of the town of Grant, in the Central District of the Indian Territory, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon on the 8th day of January A.D.1901, to be used as evidence in behalf of the above named applicants and all the descendants of William Buckholts, John Null and R.T.Jones and in behalf of all persons having married any of such descendants, pending before the Commission to the Five Civilized Tribes.

Joel Everidge after being duly sworn deposes and says: I am 72 years old, a citizen of the Choctaw Nation by blood and a resident of Kiamitia County, Choctaw Nation. Iam one of the Supreme Judges of the Choctaw Nation. I was first elected to the office in the year 1868 and have served in that capacity every years since that year with the exception of four years during which time Judge J.R.Turnbull served. I was on the bench when the application for citizenship in this nation was presented by William Buckholts, R.T.Jones and John Null. The Court took up the case and examined the witnesses thoroughly. The witnesses were all Choctaws by blood and perfectly reliable. The Court being satisfied that Wm.Buckholts was a Choctaw by blood and that R.T.Jones was entitled to inter-married rights by virtue of his marriage to the daughter of Wm.Buckholts and that John Null was entitled to inter-married rights by virtue of his marriage with a sister of the said William Buckholts, rendered a decision in their favor naming only the heads of families. This was the first case of this kind ever passed on by the Court. At that time it was not considered necessary that the Children should be named. I remember that William Buckholts asked if it was necessary to name the children and the Chief Justice I.L.Garvin informed him that if the parents were Choctaws the children certainly were Choctaws. This case was decided under authority conferred on the Court by an Act of the General Council passed in 1872. Previous to this act there was no law of the Choctaw Nation requiring persons to prove up their citizenship. Citizenship at that day and time was not considered as being of the value that was placed on it in after years and at the present time. Even to this day there is no law specifically requiring the children to be named but the practice of late years by the Citizenship Committees of Council has been to have them named, owing to the great number of applicants, for its information.

JOEL EVERIDGE.

United States of America,
Indian Territory.

I, William Headley, a Notary Public within and for the Central District of the Indian Territory, do hereby certify that the foregoing deposition of Joel Everidge, was taken before me and was read to and subscribed by him in my presence, at the time and place and in the action mentioned in the caption. The said Joel Everidge having been first sworn by me, that the evidence he should give in the matter should be the truth, the whole truth and nothing but the truth: I further certify that his statements were reduced to writing in his presence, the applicants not being present in person and being represented by A. Tolla one of their attorneys and the Choctaw and Chickasaw Nations not being represented by their attorneys although properly served with a notice as evidenced by the return hereto attached.

Given under my hand and official seal at the above named place within the Central District of the Indian Territory this the 8th day of January A.D.1901.

(SEAL)

WM. HEADLEY
Notary Public.

BEFORE THE COMMISSION TO THE CIVILIZED TRIBES.

In the matter of the Applications of
James W.Puckett et al, to be Enrolled Notice to take Depositions.
as members of the Choctaw Nation.

To Mansfield, McMurry and Cornish, Attorneys for the Choctaw and Chickasaw Nations:

You are hereby notified that the applicants, James W.Puckett, et al, will take the depositions of Judge Joel Beveridge at the residence of the said Judge Joel Beveridge about eight miles nearly east of Ovett in the Central District of the Indian Territory,between the hours of nine o'clock in the forenoon and six o'clock in the afternoon on the eighth day of January, A.D.1901, the said depositions then taken to be used before the Commission to the Five Civilized Tribes by the said applicants in their application to be enrolled as members of the Choctaw Nation and to be used in behalf of all of the descendants of William Puckett, E.T.Jones and John Bell, and in behalf of all persons claiming to be enrolled as intermarried citizens who have married any of said descendants. And if the taking of said deposition be not completed on the said day, the taking thereof will be continued from day to day at the same place and between the same hours until completed.

J.S.MILLS,
MILLS & CHANNING
Attorneys for Applicants.

United States of America,
Indian Territory ss
Central District.

I, Jasper P. Grady United States Marshal for the Central District of the Indian Territory do hereby certify that I received the above and foregoing notice at the hour of 8.30 o'clock A.M. on the 24th day of December, 1900, and that I served the same at the hour of 4.30 o'clock P.M. in the town of South McAlester in said district and Territory, by delivering a true copy thereof to Melvin Cornish, a member of the law firm of Mansfield, McMurry & Cornish.

Witness my hand this the 26th day of December, 1900.

J. P. GRADY,
U.S.Marshal as aforesaid
By.Robt.Perkins, Deputy.

Fee for serving 14 pts.
Paid by J.S.Mills.
J.P.Grady,
U.S.Marshal.

United States of America,
Indian Territory,
Central District.

I, WM. BEADLES, a Notary Public within and for the Central District of the Indian Territory, with office at Grant, I.T., do hereby certify that the above and foregoing is a true and orrect copy of the deposition of Joel Everidge taken before me on the 8th day of January, A.D.1901, and that the copy of the notice thereto attached is a true and correct copy of the original notice attched to said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal as such Notary Publk aforesaid, at Grant, in said district and Territory this 8th Day of February, A D.1901.

Wm Beadles
Notary Public Aforesaid.

7-D-369.

Muscogee, Indian Territory,
August 18th, 1900.

Rebecca Hamilton,
Caddo, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Mary M., Percy, and Rufus Hamilton as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-369.

Muskogee, Indian Territory, September 18, 1900.

Rebecca Hamilton,

Caddo, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest to your enrollment is, that you have never been admitted by the Choctaw Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-B-369

Muskogee, Indian Territory, November 19, 1900.

Rebecca Hamleton,

Caddo, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 16th instant in the matter of the protest made to your enrollment as a citizen of the Choctaw Nation by the representatives of the said Nation.

You desire to be informed as to the more of procedure before the Commission at its appointment in Atoka, Indian Territory, beginning December 3rd next, and if you will be permitted to present the proof of your recognition by the citizens of the Choctaw Nation at that time.

You are informed that the Commission will, at its session in Atoka next month, hear oral testimony of parties to whom this objection has been made and the oral testimony of witnesses on their behalf. The Commission will not however, receive or consider affidavits or depositions submitted in support of the claim of any applicant. You will be allowed at that time in addition to such oral testimony, to offer in evidence any documentary evidence showing your admission to citizenship in the Choctaw Nation by the legally constituted authorities of that Nation. Subsequently thereto and up to and inclusive of March 1st, 1901, you will be allowed to file with this Commission for its consideration, written

argument on any question of law involved in your rights to citizenship in the Choctaw Nation.

Yours truly,

Acting Chairman.

Y-D-350

Choctaw D 368
Choctaw D 370
Choctaw D 371

Muskogee, Indian Territory, April 18, 1903.

T. C. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 18, relative to the enrollment of the children of W. C. Ward and his wife, Eliza Ward.

In reply to your letter you are advised that the Commission has not yet reached these cases for consideration and determination, but the same will be taken up as early as possible, and as soon as decisions are rendered the applicants will be notified of the action of the Commission.

Respectfully,

Chairman.

Choctaw D-369.

Muskogee, Indian Territory, July 27, 1903.

Rebecca Hamilton,

Caddo, Indian Territory.

Dear Madam:

It appears from the records of the Commission that you made application to this Commission for the enrollment of yourself and your three minor children as citizens by blood of the Choctaw Nation.

An examination of the 1893 Choctaw Leased District Pay-Roll, Blue County, shows the name Martho Hamilton, as the head of a family, and children, Rufus, Mary and Virgy Hamilton.

You are advised that it will be necessary for you to furnish the Commission with a sworn statement as to whether you have ever been known by the name of Martho, or Martha, Hamilton.

This matter should receive your immediate attention.

Respectfully,

Commissioner in Charge.

T-D-369

Muskogee, Indian Territory, August 3, 1903.

Rebecca Hamilton,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit stating that your full name is Martha Ann Rebecca Hamilton, but usually in all business transactions you sign your name "Rebecca Hamilton".

Your affidavit has been duly filed with the records of the Commission in the matter of the application for your enrollment and that of your children, Mary M., Percy and Rufus Hamilton as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-D 369

Muskogee, Indian Territory, October 31, 1903.

Rebecca Hamilton,

Caddo, Indian Territory.

Dear Madam:

Your letter of October 12, addressed to the Secretary of the Interior has been by him referred to this Commission for consideration and appropriate action. Therein, you ask if the names of yourself and your children, Mary Maude, Versie and Rufus L. Hamilton, have been acted upon and returned to the proper authorities.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Rebecca Hamilton for the enrollment of herself and her children, Mary M., Veroy and Rufus Hamilton, as citizens by blood of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

7-369
9-1152

Muskogee, Indian Territory, June 28, 1904.

Culberson Thompson,

Gowen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., relative to the application for enrollment of your minor son, Cornelius Thompson, and you state therein that you appeared before the Commission at South McAlester in 1902 and was present during each of the four days the Commission was in session at thatttime and that you then made earnest efforts to have the matter adjusted but failed for want of sufficient proof; that a blank was given you before leaving, which you forwarded the Commission as soon thereafter as possible, and you request to be advised when you may expect attention in the matter.

Under date of January 25, 1904, you were requested to state whether you ever made personal appearance before the Commission for the purpose of making application for the above named child, and if so, the time and place such appearance was made. On March 18, 1904, there was received at this office a letter from you dated March 12, 1904, in which you state that you have never appeared before the Commission for the purpose of making application for the enrollment of your son, Cornelius Thompson; that the only application made for the enrollment of said child was that referred to in

C T 2

your letter of February 13, 1904.

If it is still insisted that you did make personal application to the Commission in South McAlester, in December 1902, for the enrollment of your son, Cornelius Thompson, it will be necessary that you together with witnesses to the fact appear before before the Commission at its office in Muskogee, Indian Territory, for the purpose of an examination under oath relative to the said application, before the same can receive further consideration.

Respectfully,

Commissioner in Charge.

Choc 5742 William T. Jones

Trans from Choc #D376

5742

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of--

WILLIAM T. JONES, 7-D-376.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T., December 4, 1900.

In the matter of the application of James M. Buckholt et al. for enrollment as Choctaw citizens.
Choctaw Card D. 830.

James S. Standley, being duly sworn and examined, testified as follows:

Mr. A. Tolle, attorney for applicants: Capt. Standley, I will ask you if you are a Choctaw Indian by blood? A Yes sir.

Q What is your age? A 59 years of age.

Q Your residence? A Choctaw Nation. I claim Atoka as my headquarters, my home, I have no domicile in the town but I am at home here.

Q I will ask you how long have you been in the Choctaw Nation
A I came here in 1873.

Q I will ask you whether or not you are acquainted with the laws and customs and usages of the Choctaw people with reference to citizenship? A Yes sir, I think I am.

Q Did you ever occupy any position at the Choctaw Council where they have passed on these questions of citizenship? A Yes.

Q I will ask you if you have ever acted in the capacity of Interpreter for the Council? A Yes.

Q Where citizenship cases were passed upon? A Yes, many a time.

Q I believe you state that you are well, acquainted with the laws of the Choctaw Nation? Yes, sir.

Q I will ask you if you know of any law of the Choctaw Nation previous to the act of 1896 wherein it was required that the names of the applicants should be presented to the council, all of the names, other than the heads of families? A No, I do not.

Q Then as I understand, it has been the custom of the Council to admit people by simply admitting the heads of families? A Yes, I will say that is my understanding, some have been.

Q Admitted the heads of families and the others all came in? A That has been the custom.

Q I will ask you if you know William Buckholt? A Yes.

Q And R. T. James? A Yes.

Q I will ask you whether or not you know John Bull, the old John Bull? A I knew of him, simply as a matter of record and a matter of common knowledge in the country.

Q I will ask you if you know of any statute authorizing the Supreme Court to pass on cases in the Choctaw Nation; any law of the Choctaw Nation authorizing the Supreme Court to pass on citizenship cases A The Supreme Court of the Choctaw Nation, there used to be an old law years ago, that was the law when I came here.

Q You were not present when the Supreme Court passed on the case of William Buckholt and others? A No.

Q I will ask you if you were attorney in the case of of one J. R. Plumer when he was admitted to citizenship by the Citizenship Commission of the Choctaw Council? A Yes.

Q I will ask you if there was any expression of the Committee as to what there intention was at the time that he was admitted to citizenship? A There was no question raised by the

Commission that I know of with reference to the necessity of having his entire family i incorporated in the bill?.

Q Did the applicant himself ask the question? A Yes, the question was raised by him.

Q And what was the answer of the Commission to his question as to whether he ought to name the children or not? A It has been a good long time ago, but my recollection is it wasn't necessary.

Q That the admission of the parents carried with it the rights to the children? A Yes.

Q Then as far as your experience goes and observation with reference to the Choctaw affairs, it has been the custom of the Choctaw Nation where the parents were admitted to citizenship, that the children took their status without naming them?

A Let me answer that in my own way, and I will state my experience to you. I was attorney for Plumer, I was the attorney for Stewart, I was the attorney for Marsh, and I can't call to my mind another case now, and in all of those cases, if it had been my understanding that it didn't carry all of them with the head of the family, it would have been an easy matter you understand for me to insert the name. The fact that we didn't do so and I was the attorney in the case is sufficient for the Commission to understand what my understanding of the law was and what the custom was at the time as I understood it.

Q I will ask you whether or not the Choctaw have recognized the children of William Buckholt, R. T. James, and John Hall, as far as exercising the rights of citizenship goes, since that time?

Q As to the Buckholt and James I know more about it in a general way than I do about the Hall family. I will say that as far as my information goes, they have always been recognised, I have never heard anything to the contrary.

Q I will ask you if it is not true with reference to other cases where they were admitted by act of the Council and the children not named? A I think so,yes; Plumer's children went ahead here and were admitted by the laws, and that other case,and the Marshalls.

Mr. Cornish: You spoke of two or three cases, the Marsh and Plumer case and what other case? A Mrs. Nancy Stewart.

Q Were those cases where the heads of family only were named in the acts of admission? A In the Nancy Stewart case that was different from the others.

Q I am inquiring if you did represent certain cases wherein only certain heads of families were named in the act? A Yes.

Q What other case in addition to the Buckholt? A The Marshall case and the Plumer case; the Stewart case went beyond the Council.

Q Those are two cases wherein only the heads of families were named? A Yes.

Q Are there are descendants of these persons claiming and asserting rights in the Choctaw Nation? A That is my understanding, I know some of Plumer's children are here and some not here, and Marshalls, Marshall was a mixed blood.

Q Is it not a fact then that the Plumers after they were

admitted by naming the head of the family, that by subsequent act of the Council the members of the family were named in that? I don't really know that.

Q That is your understanding, is it? A Yes.

Q So that leaves only the Marshall case? A Yes, but mind you I don't remember about that subsequent act of the Rumers.

Q Isn't that your understanding, that it was done? A No. I don't remember it; it might have been done, I don't say it wasn't done, and I might have been called upon to testify in reference to the other.

Q Is it Henry Marshall that you speak of? A Yes, Henry Marshall.

Q Captain Standley, how many acts of the Choctaw Council do you think have been passed since they commenced to admit persons many years ago, about how many cases? A I can't hardly tell.

Q There have been at least 100, A Yes.

Q Perhaps 200? A Yes, I don't know how many.

Q Something perhaps 100 and 200? A That would be a good guess.

Q Isn't it a fact that so far as your information goes that only in these three cases were only the heads of families mentioned? A I can't say, because many of those cases I had nothing to do with.

Q Do you know of any other cases wherein persons claim through acts of the Council wherein only the heads of families were named? A Of my own knowledge, no, I do not; I haven't been interested in many cases.

Q I supposed you might be familiar with the various acts from going through the old books. You would not know from drafting an act who was in and who wasn't in.

Is it not a fact that the proportion would be fifty to one or perhaps 100 to one as regards cases wherein only the heads of families were named and the cases wherein all persons claiming admission would be? A It might be, my knowledge of it isn't sufficient to justify me in answering that question; those cases that I single out I know of personally; the other cases, wherein I was simply serving as draftsman of the Council, there might have been only the heads and might have been all the family.

Q Since Mr. Tolle wanted to get your opinion and general information as to the custom I thought I might go further and get the benefit of your general knowledge of Choctaw affairs as well. A Very well, and my will say from my action at the time of the admission of these parties that it was my general understanding and the understanding of my associate, Colonel Nelson, and he was a much older man than I am and had lived here all his life and was more familiar with the laws than I was, and that was his understanding, and he guided me largely.

Q This custom, would that warrant the recognition by the Choctaws of the brothers of a person admitted and the sisters, was that your knowledge of the custom? A I wouldn't say that, I don't know that there has been any custom on that subject.

Q Do you know of any brothers and sisters of persons admitted by acts who have without any specification by the Council been recognized as Choctaw citizens? A Yes.

Q You know of cases where one person was admitted and the brother of that person, never having been admitted, has been by the Choctaws recognized, but never was admitted by any act of Council, and carried on the rolls? A Yes.

...hat case? A I don't know of but one, and that is my own brother.

... You don't know of any other case? A I can't call to mind any other case, but if I were to talk around among the people and get my memory refreshed I might thing of some.

... Is your brother living? A No, sir.

... So far as you know, this custom would not extend to collateral relatives, brothers and sisters? A No, I can't say as to what the custom has been about that, I have had no other experience; there has been no way of obtaining information on that line.

... The only acts of the Choctaw Council then of which you have a personal knowledge, wherein only heads of families were admitted and in which the relatives sought to be recognised as Choctaw citizens were those three cases that you spoke of, the Buckholt case, the Marshall case, and the Plumer case? A Yes, sir, and the Stewart case.

Attorney J. C. Ralls, for applicant: In the Stewart case before the Council, the petition only mentioned the name of Mrs. Stewart, did it? A Yes.

... What case, it went to the Indian Agent under a special act of the Choctaw Council and there the agent inserted the names of the descendants? A Yes.

... And required them to be inserted there? A Yes.

... And they were admitted there by the Indian Agent, that was approved by the Secretary of the Interior, was it? A Yes.

I, Julius Y. Miller, having first been duly sworn, on oath depose and say that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing four pages of testimony of James S. Standley, from the records of the Commission in the matter of the application of James M. Buckholt, et al., (Choctaw Card D-533), and that said copy is a full, true and correct transcript of the original of same.

Julius Y Miller

Subscribed and sworn to before me this the 2nd day of July, 1903.

Charles H Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T., December 7, 1900.

The Choctaw Nation :
:
vs. : D-357
:
James R. Buckholts :

A P P E A R A N C E S .

For the Choctaw Nation, Melvin Cornish Esq.
For the Applicant, J. G. Ralls Esq.

William Buckholts being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Ralls:

Q State your name? A Just William, no middle name.
Q William Buckholts? A Yes sir, Buckholts.
Q How old are you Mr. Buckholts? A I lack about one month of being eighty three years old.
Q How long have you lived in the Choctaw Nation? A Well, I moved here across Red River the first day of March, 1872 and been here ever since.
Q 1872? A Yes sir.
Q Who came with you to this country? A Well, my children all come but one.
Q Which one was that? A That was Pate. W. L. Buckholts.
Q Are you acquainted with R. T. Jones? A Yes sir.
Q When did he come to this country? A He come here when I did.
Q Were you acquainted with John Null during his lifetime?
A Yes sir.
Q When did he come to this country? A He come shortly after I did. I suppose in ten days. I don't know exactly.
Q What relation were they of yours? A John Null married my eldest sister, Sarah H. Buckholts.
Q What relation was Mr. Jones to you? A He married my eldest daughter, Lura Elizabeth Buckholts.
Q Did their children come with them at the time they came here? A All they had.
Q The other children have been born in the Nation, have they?
A Yes sir.
Q Do you remember being before the Supreme Court of the Choctaw Nation in 1872? A Yes sir.
Q Who were the Supreme Justices? A There was- - I don't know their given names- there was Garvin, Eversidge and Fulsom. I think Fulsom lived at Skullyville. I have forgotten their given names.
Q Were you and Mr. Jones and Mr. Null admitted to citizenship in the Choctaw Nation by judgment of that court? A Yes sir.
Q What year was that and what month? A That was in - well it was at the regular Council in October but it might have been in November before the court decided on it.
Q And what year? A That was in '72, 1872.

Q Now, Mr. Buckholts, just you and R. T. Jones and John Null were mentioned in the judgment were you? A That was all that was in the duplicate they gave us.

Q Do you know why it was that your children were not mentioned in the judgment? A Well, I don't know that I could tell you. While I was on the witness stand I told the court that I thought my and my sisters children ought to be in the petition.

By Mr. Cornish.

Q Does the Commission think it proper for him to repeat the statement he made at that time, a self serving declaration?

Mr. Ralls: It is not going to be a self serving declaration.

Mr. Cornish: I should think it would be Mr. Ralls. It is a statement that he made in his own interest.

Mr. Bixby: Let us see what the question is first.

By Mr. Ralls:

Q Go ahead. A In regard to naming the children, I told them I thought all of our childrens names ought to be in the petition and Judge Garvin, Chief Justice, said "Mr. Buckholts there is no use of it. If we recognize you elder ones that includes all your descendants." I hushed, of course I could say no more.

Q Speaking as the Chief Justice of the court, he informed you that? A The Chief Justice, yes sir.

Q Now, where have you all lived since you came to the Nation. I mean in the nation or have you lived out of the Nation? A We aint lived out of it, we have lived here, have been out only on a visit or on business.

Q Been out just temporarily? A Yes sir.

Q Now since the Supreme Court admitted you three older ones state whether or not the Choctaw authorities have recognized the children as citizens of the Nation? A Well, we have been recognized, the children and all, ever since, until the last year or such a matter.

Q After this question was raised? A Yes sir. There was no objection before.

Q Well have the Choctaw Authorities themselves ever made any objection to you? A None that I know of. Not a particle.

Q They have always voted have they? A Yes sir.

Q Owned farms? A Yes sir.

Q Enjoyed the schools and privileges of Choctaws? A Yes sir and served on juries, worked the roads, acted as judges of election and all likes.

Q Been placed on the various rolls made by the Choctaws have you? A Yes sir.

By Mr. Bixby.

You are referring to himself or his children?

Mr. Ralls: To all of them.

By Mr. Ralls:

Q And they were paid Leased District money were they by the Choctaw authorities? A Yes sir.

Q Several of the defendants have married white persons have they? A Yes sir;

Q Have those white persons been recognized by the Choctaws as members of the Nation? A Well, I think so. I never heard anything to the reverse at all.

Q And ever since 1872, the Choctaws have always recognized you, Mr. Jones and Mr. Null and all of your children? A Yes sir.

Q And have recognized Mr. Jones children? A Yes sir.

And Null's children? A Yes sir.

Q As members of the Choctaw Nation and you have enjoyed all

the privileges and benefits as other Choctaws? A Well with one exception.

Q What was that Mr. Buckholts? A That is my sister died and Uncle John, I always call him uncle, he married a white woman, and has one child by her. Well they were included in the petition but they knew they had no blood and they just withdrew.

Q They are not claiming citizenship are they? A No sir not at all.

Q One other thing. Do all of you own farms here in the Choctaw Nation, and Chickasaw together I mean? A Yes sir.

Q All that you have then is in the Choctaw and Chickasaw Nations? A Yes sir.

Q They have nothing anywhere else? A If any of them have anything outside I don't know it. I don't think they have though.

CROSS EXAMINATION BY MR. CORNISH.

Q You say this was in October or November of 1872 Mr. Buckholts- it was in October or November was it not that you appeared before the Supreme Court? A Yes sir.

Q Did John Null and Mr. Jones appear there with you? A Yes sir.

Q The three of you went to Council? A Yes sir. Well, some of our children were there.

Q Some of your children were there? A Yes sir.

Q You say you stated to the Supreme Court that you thought the names of the children ought to be included in their judgment? A Yes sir.

Q What led you to think so? A Well, I don't know as I could tell you that. I just thought they all ought to be there.

Q You thought they all ought to be there didn't you? A Now I can tell you why. When I first- - I spoke to old Governor Walker Tandy Walker, and asked him who would be a suitable man to write up a petition. They told me I would have to make a petition. Well, he just pointed me out to Tom Ainsworth. I knew he was a pert boy but I didn't know he was a lawyer and he was taking all the names down and Null and Jones got off a little piece and talked a little and they called me out there and said "We think we had better get a lawyer to tend to it if it does cost something" I said all right. Well if I had known that Ainsworth was a lawyer I never would have gone to another.

Q Who did you go to? A Campbell Leflore.

Q Campbell Leflore was a citizen of the Choctaw Nation? A Yes sir.

Q Practicing law before the Choctaw courts and council? A Oh yes.

Q Did you have any witnesses before the Supreme Court Mr. Buckholts? A Yes sir.

Q Who appeared before the Supreme Court as your witnesses?

A I had old Null, Robert Jones and old Tandy Walker and Mrs. Black. She only sent her testimony, and Mrs. William Gardner.

Q Did you have any children who lived in Texas after you came here? A One.

Q How long did he remain there? Well squire, it has been so long I can't tell you.

Q He came here several years afterwards did he? A Yes sir.

Q He was not living here when this act of admission was rendered? A No sir.

Q Did not live here until several years afterwards? A Yes sir.

Q Is he claiming rights of citizenship? A Yes sir.

Q When he moved here several years after that time, did he go before the Council to be admitted? A No sir.

Q Then he was not admitted by act of Council when he moved here? A No he went to the officers, I don't know which one only

Gardner and he said just associate with the leading characters here and let them know who you are.

Q What is his name? A William Lafayette.
Q Is he living now? A Yes sir he was a short time ago.
Q Was he a married man when he moved to the Indian Territory?
A Yes sir.
Q Has he grand children or just children? A He has only one grand child and two living children.
Q Has one grand child and two children? A Yes sir.
Q They are now claiming citizenship of course, they are now claiming to be Choctaw Indians? A Yes sir.
Q What about the children of Mr. Jones. What children did Mr. Jones have at that time? A I think they had seven children when they come and five born after.
Q Seven children when they came and five born afterwards?
A I think that is it.
Q Did the seven all come with him? A Yes sir.
Q They have all lived here since that time? A All lived here since that time.
Q What about Mr. Null's children. What children did he have at that time? A Two single and some of them came the year before and they all I think come with him. Them that was married come with him.
Q Well, the Null who was your sister's husband is not now living? A No sir.
Q He is not the John Null who is now applying? A No sir.
Q This is his son? A Yes sir.

ALINTON TELLE being duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Ralls:

Q State your name? A A. Telle.
Q What is your age Mr. Telle? A Forty one years.
Q You are a Choctaw Indian by blood? A Yes sir.
Q Born and raised in the Choctaw Nation were you? A Yes sir.
Q What official positions have you held in the Choctaw Nation?
A I have held several positions. The longest position I have held was National Secretary.
Q Have you held the position of National Attorney for the Choctaw Nation? A Yes sir.
Q You have been a practicing attorney in the Choctaw courts for how long? A For nineteen years.
Q During this time you have examined the laws of the Choctaw Nation on various questions and especially in regard to the question of citizenship have you, Mr. Telle? A Yes sir.
Q Now, state Mr. Telle, if prior to October 1872, there was any law of the Choctaw Nation requiring Choctaws coming to this Country to be admitted in order to enjoy the benefits as Choctaws?
A What was the date?
Q October, 1872? A My recollection is there was not? The law that you refer to - I think the law that is on file there with the Commission - is the first law and I think it was passed at a special term in 1872 earlier than October.
Q What time in 1872? A I think in April. I have forgotten the date exactly.
Q Then prior to that date they had no law requiring persons to be admitted by the Choctaw Council or by the courts or in any other manner in order to enjoy the privileges as Choctaws? A I have never been able to find any law they required Choctaws to be admitted by any act of Council.
Q If a Choctaw came to this country and the officials of the Choctaw Nation recognized him as a Choctaw prior to that act, then he took the privileges as a Choctaw and was duly recognized was he?
A That is my understanding.
QAs a matter of fact a great many of the Choctaws that are now

in the Choctaw Nation have come here and have never been admitted by any act at all have they Mr. Telle, and are now recognized? A Yes Sir, a great many of them, possible four or fivehundred, I mean by that people that did not come at the time of the emigration provided by the treaties but who simply emigrated; simply came out here afterwards. They came all the way from the time of the emigration in the thirties up to this time in 1872 when the law was passed.

Q Were you a member of a Commission that made the rolls of the Choctaws in 1893? A Not in the Choctaw Nation.

Q Were you in the Chickasaw Nation? A I made the roll in the Chickasaw Nation of Choctaws residing in the Chickasaw Nation.

Q Were you a member of the Commission that made the roll in the Choctaw Nation in 1896, I believe it was, or 1897? A No sir, not in the making of the rolls.

Q What position did you hold in that regard, in connection with the citizenship business? A No connection with it at all in 1896 or 1897 either.

Q Not being acquainted with the laws and customs of the Choctaw Nation, Mr. Telle, in the preparation of the Leased District roll were persons of white blood put on as Choctaws or were only Choctaws by blood placed on the roll? A Only Choctaws by blood.

Q Your Commission determined the question of blood? A That is we enrolled them. Then there was a kind of revisory board that passed on all of them. I think from the rolls that we made in the Chickasaw Nation of Choctaws residing there, possibly they cut out four or five.

Q And then the Leased District payment was made to those remaining on the roll after the revisory board had gone over it?

A Yes sir.

CROSS EXAMINATION BY MR. CORNISH:

Q Mr. Telle, you stated that you were National Attorney of the Choctaw Nation? A Yes sir.

Q How long have you been National Attorney? A About a year and a half.

Q You were a member of the citizenship commission of the Choctaw Nation appearing before the Dawes Commission, were you not?

A I was simply clerk of the Commission.

Q How long were you clerk of the Commission before the Dawes Commission? A I have been figuring that up.

Q Since the fall of 1898? A Either the fall of 1897 or 1898. It was the first--

Q Yes - well--you have given a construction as you understand it of the laws, customs and usages of the Choctaw Nation as to citizenship matters? A Yes sir.

Q You are an attorney in this case are you not? A I am, yes sir.

Q Do you know of any other act of Choctaw Council through which persons claiming Choctaw citizenship, that does not specifically mention the names of all the persons living at that time upon whom it is desired to confer citizenship? A No sir, I know of no act specifically on the statute books. Now there is one - there are possibly one or two that allowed people to stay here;

Q Possibly one or two? A Yes sir, I remember that in the old J. P. Folsom code. Code made in 1869 by J. P. Folsom. I see there that they allowed a white man to stay there on account of his marriage - or during good behavior I believe.

Q That is an exception or two I believe? A And then there was a band of what they called Biluksha. It seems that they were really Choctaws and in attempting to come to this country, not knowing the geography of the country went south of here and finally stopped up in the Caddo country and what is known as the leased District. They spoke the Choctaw language and had the customs of the Choctaws and some time long about the year 1857 I believe, - I

simply speak from memory, they allowed those Bilukshas to come down here as Choctaws.

Q Now those Buckholts and Jones people don't claim to be Bilukshas do they? A No sir.

Q Going back to the question. Do you know of any other act of the Choctaw Council that assumes to confer citizenship on persons that don't specifically name those upon whom it is desired to confer Choctaw citizenship? A No sir.

Q You don't know of any other act? A No sir, I don't.

Q You stated that you are familiar with the laws of the Choctaw Nation, have held various positions and practice law before the Choctaw courts? A Yes sir.

Q You are reasonably familiar with the Choctaw laws are you not? A Reasonably so, yes sir.

Q About how many acts would you say there are of the Choctaw Council that have been passed since they began that business, about how many acts? A I Don't know.

Q You could guess at it couldn't you? A I have copies of the pamphlets and could refer to them.

Q They are exceeding one hundred are they not? A I could not say as to that.

Q I would like to have you give me an idea. A If you will let me get my books.

Q There are a great many acts are they not? A Yes sir,

Q Would you give your opinion that they would exceed fifty acts specifically conferring citizenship. I suppose you would not hesitate to say they exceed fifty would you? A I would not say as a matter of fact I don't believe they go over fifty. There are a great many acts referring to citizenship but most of them refer to rejected cases.

Q There are a great many. You would not care to fix the number? A No sir.

Q Now of all that number, be it fifty, sixty, forty or two hundred, you don't know of any act that assumes to confer citizenship that doesn's name the parties specifically do you, except this act of Buckholts, Jones and Null, do you? A Well, sir, to tell the truth, I don't know any act that requires it at all.

Q My question is this. You state there are a great many acts?

A Yes sir.

Q Ranging it may be from forty, fifty to two hundred, there are a great many acts? A I don't say so.

Q This is my question. Of that number of acts, now do you know of any other act that assumes to confer citizenship upon persons that does not specifically name the persons upon whom it is desired to confer citizenship that does not specifically name the persons in it? A Yes sir, I do.

Q Well mention them? A I know one or two. One is a case of Henry Marshall.

Q Henry Marshall. What other? A J. R. Plummer.

Q What other? A In the acts of 1884 you will find a list passed on that didn't name anyone but the claimants. Sometimes had the word 'family' and sometimes not.

Q Are those the only ones you know? A Well,there are several names included in this list. The Council made a general list and where John Smith appeared,maybe said husband and children, or wife and children.

Q What act is that now? A I think about the year 1884.

Q Who were those persons? A I couldn't say.

Q Were they Mississippi Choctaws who had just joined the people here? A No.

Q Were they not Mississippi Choctaw people? A No sir.

Q Where did they come from? A They appeared at Council.

Q Well,where did they come from. A They lived here.

Q How long had they lived here? A I don't know.

Q How long have they been from Mississippi? A They were not Mississippi Choctaws.

Q But you don't know that they were Indians who had come from Mississippi. A I could not say. I know some of the people have been living here as long as I could remember.

Q But you are not able to state that they did not come direct from Mississippi to the Choctaw Nation? A I think I am in some of the cases.

Q Are you able to state in all of the cases? A No sir, I am not.

Q Is it not a fact that in the Plummer case after an act had been passed naming the heads of the families that those parties appeared before the Council and all parties naming were mentioned?

A Yes sir, I prepared the act myself.

Q Why did you prepare the act? A The reason for that is this: One of the Plummer boys had been elected to the Council. He had gone through the election and was elected to Council and had a seat as a member of the Council and it seems that someone suggested the idea that they could not find his name admitted by act of Council.

Q Someone suggested that? A Yes sir, who it was I could not say.

Q Suggested that as a reason why he should not be elected to Council? A I could not say.

Q There was a question raised though? A Yes sir.

Q Why was the act amended? A Well, I heard it and I had been one of their supporters and I wanted no question raised. Of course with my information I could see the possibility of a question being raised so I filed a supplemental petition to the original, setting forth that they had been recognized and one of them was at that time sitting as a member of Council, and I thought it was safer for the family. And filed the act and admitted the whole family.

Q Were you one of the ones who raised this question? A No sir.

Q Who raised it? A I don't remember.

Q There was a question raised? A I heard it.

Q Raised in Council? A It was outside talk.

Q It was in response to the question that was raised that you drew the act was it not? A Indirectly you might say it was.

Q You were a practicing ~~kawyexx~~ attorney at that time? A Yes sir.

Q And were familiar at that time with the laws, customs and usages of the Choctaw Nation? A Yes sir. I knew it was no matter but simply did it as a matter of precaution.

Q As a matter of precaution you drew the act and had it passed? A Yes sir.

Q When did the Choctaw Council pass a law requiring the names of all persons upon whom it was desired to confer citizenship presented to the Supreme Court? A I don't remember any such law sir. There is no law to that effect.

Q My understanding was from Mr. Ralls that in 1872, - he asked you that prior to that time there if there was any law requiring anyone to be admitted? A There was no law before then.

By Mr. Bixby. Is this evidence or not?
Mr. Cornish? A I don't know.
Mr. Bixby. Is it in reply to your question? A I presume it is.

A There were people living here who never were here until that time, some of the most prominent families, come in fifty or sixty. They never had to be admitted to citizenship and that act in 1872 was the first act that was ever recognized.

Q Do you state that as your opinion or as a fact? A A fact. A matter of law and record.

Q That is the first act of the Choctaw Council admitting specific persons to Choctaw citizenship? A Yes sir. Now there was another act passed later on. It didn't relate specifically to the method of making applications except one part of it. That was that it required a receipt from the National Treasurer of a payment of one hundred dollars for each name asked to be enrolled.

Q When was that? A In 1888, I think.

Q Considerably later than that? A Yes sir.

Q Then you stated as a matter of law and fact that this Buckholts, Jones and Null act was the first act of the National Council admitting persons to Choctaw citizenship? A This was not an act of Council.

Q Well an act of the Choctaw authorities? A Yes sir, in 1872.

Q Do I understand now as a matter of law and fact, that it is the first act of the Choctaw authorities specifically granting Choctaw citizenship to persons? A Under the law yes sir. They were the first people. It was the first case that come up under the new law.

Q Under the new law? A Under the law of 1872.

Q Conferring this jurisdiction on the Supreme Court? A Yes sir.

Q Then you state there is no act of Choctaw Council prior to that time specifically conferring citizenship upon applicants?

A I know of none.

Q Didn't you state, Mr.Felle - I don't believe you were quite accurate in your statements - your opinion as a lawyer or do you state it as a matter of law that there wasn't any law prior to the law in 1872? A There was no Choctaw law requiring citizens to prove their right to Choctaw citizenship prior to this act of 1872. That's the law.

Q Here is what I understand your answer to mean. I understand that you stated that there was no law prior to 1872 of the Choctaw Council or the Choctaw authorities prior to the admission of these Buckholts, Jones and Null families that conferred or assumed to confer citizenship upon individual persons? A Oh, I would like to understand you first. I gave you some exceptions and you said those exceptions did not apply.

Q As I understood you to state a minute ago, this was the first act of Choctaw authorities conferring or assuming to confer citizenship and before that time did not confer citizenship?

By Mr. Falls? I would like to understand you myself.
Mr. Cornish. I am not mixed at all. If you understand English you will understand this.

Q Is this the first act of the Choctaw Council or the Choctaw authorities conferring citizenship upon specific persons, upon persons naming them? A No sir, it is not. There are those exceptions that I spoke of.

Q Prior to the admission of the Buckholts people? A Yes sir.

Q Then there are acts of the Choctaw tribal authorities specifically conferring citizenship upon persons prior to that time are they not? A No cases of this kind.

Q Perhaps there are different cases, different persons and people but they are persons, people admitted prior to this time?

A I could not say they were admitted. You use a word there that was not known to the statute at that time.

Q I will amend the word. A There were some permitted to live here. They were white people or people of no real descent but they allowed them to stay here.

Q That was prior to the Buckholts admission? A Yes sir.

Q Those Bilukshas you speak of? A Yes sir those were specific acts.

Q Those people were specifically named in the act were they not? A Who?

William Buckholts 9

Q Those people that were permitted to stay here? A You mean the Bilukshas?
Q I mean all persons who were permitted to stay here. They were in the act were they not? A No sir, not all of them. Just heads of families.
Q Is this a clear recollection of the law or just as you remember it? A My recollection and I have seen them. One of the old descendants is living up here in Tobucksy County by the name of Tolm Pase, his English name is Charley Keel.
Q Now those Bilukshas you spoke of being permitted to live here, were they not admitted to citizenship? A I could not say. I could not say that the word citizenship appeared as used now.
Q Now those Buckholts people claim to have full rights of citizenship? A Yes sir.
Q Now is there any act of the Choctaw tribal authorities prior to the admission of the Buckholts people that confers or assumes to confer full citizenship upon persons, specifically named? A No sir, there is not, No sir.

Mr. Ralls:
Q As I understand, you stated Mr. Telle, that law of 1872 was the first act of Choctaw Council requiring persons to prove up citizenship? Was that the act conferring jurisdiction on the Supreme Court? A Yes sir.
Q But prior to that time the Choctaw Council had passed some specific acts in regard to persons residing in the Choctaw Nation permitting them to remain, or recognizing them to that extent? A Yes sir.

SIMON E. LEWIS bein duly sworn by Acting Chairman Bixby, testified as follows:

Mr. Ralls:
Q Your name is S. E. Lewis? A Yes sir.
Q How old are you Judge? A Fifty nine.
Q How long have you lived in the Choctaw Nation? A Born here.
Q What official positions have you held in the Choctaw Nation?
A I have held a good many.
Q You are a citizen of the Choctaw Nation? A Yes sir.
Q You have acted as one of the Commissioners of the Choctaws in preparing the rolls that have been made by the Choctaw Nation have you? A Yes sir.
Q You are at present one of the Choctaw Commissioners? A Yes sir.
Q Representing the Choctaw Nation in the hearing of the protest cases? A Yes sir.
Q Of persons Claiming citizenship in the Choctaw Nation? A Yes sir.
Q Were you a Commissioner that assisted in the preparation of the rolls of 1893? A No sir.
Q Were you one in 1896? A Yes sir.
Q What part of the Choctaw Nation did you work in? A There was two boards that worked on this.
Q When the first roll was made? A I made the roll of the Chickasaw Nation, of Choctaws residing in the Chickasaw Nation. Afterwards, the roll that was made of the Choctaw Nation was very incomplete and there was another board formed to go over that roll again and I was Chairman of the Board for the first district and was afterwards a member of the board that revised the roll at Tushkahomma.
Q When you were in the Chickasaw Nation making the rolls of Choctaws in 1896, did you enroll any of the descendants of Mr. William Buckholts, R. T. Jones or John Null? A Yes sir.
Q Who was it you enrolled, Judge? A Well, I think old man Buckholts himself happened to be up there and I think I enrolled

him up there. I remember John Null was at Tishomingo and I don't remember exactly where he enrolled. I think we enrolled some of the Buckholts people up there.

Q Do you know Frank Plate? A Yes sir, we enrolled them.

Q And W. D. Bailey? A Yes sir.

Q You were acquainted with the condition of their citizenship? at the time,were you not? A Not particularly but I had a copy of the 1893 pay roll. And I noticed they had all drawn their money.

Q Now, Judge, are you acquainted with the different provisions of the Choctaw laws in regard to the admission of persons to citizenship? A Yes sir, pretty well.

Q Was there any law of the Choctaw Nation prior to this act conferring jurisdiction upon the Supreme Court of the Choctaw Nation in 1872 requiring persons to prove up citizenship or to be admitted by any act in order to enjoy the privileges of Choctaws? A I don't remember that I ever saw that law. I was just looking over it a moment ago. I don't think I ever saw the law but it was passed some time about seventy one or two.

Q Was there any law prior to that time? A No sir, there was no law requiring Choctaws who come here and come from Mississippi to prove up their right. They just come here and settled down as there were old people enough to identify them at that time.

Q Then Choctaws coming here and identified by Choctaws who were here, would be recognized by the Choctaw authorities and treated as members of the Nation? A Yes sir.

Q There are a great many of the Choctaws that came here. A I know of two families down by Skullyville since the war I know never was admitted.

Q What are their names? A Wadkins, married Campbell Leflore's sister, and his family. Puryea and Captain Reynolds and his family.

Q Who composed the revisory board at Tushkahomma when you made up the roll? A Alexander Durant was Chairman, myself and Ben Wadkins. That is the 1896 roll.

Q Do you know who composed the revisory board when the roll for the payment of the Leased District money was made? A The Governor and his cabinet, whoever they were at that time.

Q Do you remember their names? A Governor Jones, William W? Nelson was treasurer, Jacob Jackson Secretary.

Q Who was National Attorney? A I believe I am mistaken about the treasurer. I expect McCurtain was the treasurer. I am not certain. They changed hands about that time. Nation Attorney- I don't remember who that was.

Q And they were supposed to take off the names of all those who were not recognized citizens were they? A Yes sir.

Q And recognized by blood? A Yes sir. Besides that there were a great many that had got left over and did not get enrolled and they went down there and was enrolled by that board.

Q Are the Commissioners appointed by the Choctaw Nation objecting to the enrollment of these descendants of Buckholts, Jones and Null? A No sir.

Q They are willing that they should be enrolled? A We raised no objection. Well, there might have been some of the Commissioners up in the Chickasaw Nation. There was objection raised up there by some of the Commissioners. I don't know.

Q In your opinion and being acquainted with the laws and customs of the Choctaws are you, or would you say, that they are recognized citizens of the Choctaw Nation or not? A They have always been. The first time I got acquainted I met some on the jury, Judge Vincent was judge and he got crippled and I come down here to hold court for him. I found them on the jury. I asked who they were and they said Choctaws who had been admitted.

Q Knowing the same as you now know it, what would be your opinion as to their being recognized citizens? A I would not like to give my opinion. The Dawes Commission is settling that.

CROSS EXAMINATION BY MR. CORNISH:

Q These two families you speak of as being recognized with an act of the Choctaw Council, is it not a fact that they come direct from Mississippi to the Choctaw Nation? A Yes Sir.
Q Came direct from the old Choctaw Nation to this country? A Yes sir.
Q These Buckholts people; where did they come from? A I don't know. I wasn't acquainted with them until in 1886.
Q Is it your understanding they come from Texas here? A I have heard some of the witnesses state that.

WILLIAM BUCKHOLTS being recalled testified as follows:

RE-CROSS EXAMINATION BY MR. CORNISH.

Q You state you moved from Texas to the Indian Territory? A Yes sir.
Q How long had you lived in the state of Texas before removing to the Indian Territory? A Twenty-one years.
Q Where did you live? A Smith County.
Q Did you own a farm there? A Yes sir.
Q You owned property there? A Yes sir.
Q What property did you own in Texas? A One hundred and eighty some odd acres in one tract of land and over two hundred in another.
Q That was in Texas? A Yes sir.
Q Well go ahead. A I had some niggers before they were set free.
Q You voted in the state elections, state and national elections? A Yes sir.
Q You were a citizen of the State of Texas? A Yes sir.
Q Did you ever run for office? A No sir.
Q Never held office? A No sir.
Q How long did Mr. Jones live in Texas, Mr. R. T. Jones?
A I don't know, sir.
Q What is your understanding about it? A He claimed that he come there in fifty four or five.
Q In fifty four or five and lived there until 1872? A Yes sir.
Q All right. He lived there a great many years then? A Yes sir.
Q Did he own property in the State of Texas? A Yes sir he owned some land.
Q Did he vote in the state and national elections in the State of Texas? A I suppose he did. But I don't remember that I ever saw him vote.
Q You never saw him vote? A I don't know as I did.
Q How long had Mr. Null lived in Texas? A He moved there when I did.
Q And left there when you left? A Yes sir.
Q Did he own property in the State of Texas? A Yes sir.
Q Did he own land? A Yes sir.
Q And other property? A Yes sir.
Q Did he vote in the state and national elections? A Yes Sir.
Q He was a citizen of the State of Texas and recognized as such? A Yes sir.
Q Where did you come from to Texas? A Mississippi.
Q When did you leave Mississippi? A I left Mississippi in the Fall of 1850.

Q How long had you lived in Mississippi, Mr. Buckholts?
A I lived in Mississippi about eight years.
Q About eight years? A Yes sir.
Q Where did you come from to the State of Mississippi? A Well let me go back and start and come forward.
Q Well. A I was born in Smit County, Mississippi, near the Louisiana line and when I was about six years old my parents moved to the old Choctaw Nation which is now Sumpter County. Lived there until I was twenty four years old. Started to Texas and stopped in Louisiana.
Q How long did you live in Louisiana? A From the first of May to the first of November when I come back to Mississippi and stayed there eight years and then I started to Texas again.
Q You say you were born in Mississippi? A Yes sir.
Q Now, did your father move out of Mississippi? A Yes sir.
Q Where did he move to? A To the old Choctaw Nation.
Q From this county where you were born up to the Choctaw Nation? A Oh,no,he moved from Smit County to the old Choctaw Nation.
Q And you lived there until you were how old? A Twenty four.
Q Now you and Mr. Null and Mr. Jones lived in the State of Texas many years before moving to the Indian Territory?
A Yes sir.
Q Owned property there and voted there? A Yes sir.
Q And were citizens of the State of Texas? A Yes sir.
Q How did you come to move to the Indian Territory? A Well, I can give you the history of it if you want it. When the niggers were set free I knew that I could not furnish homesteads for all my children, and I just told them, I had been up here about '57, 1857, I had been up here and I told them, says I, I have plenty of relatives there and I know I can prove it and if you will just all agree, we will pull up and sell out and you can get homes for yourselves.
Q Then you come here to get homes for yourself and family?
A I came because I knew I was a Choctaw.
Q You come her to get homes for yourself and family? A Yes sir, of course.

RE DIRECT EXAMINATION BY MR. RAILS.

Q Then did you all sell out in Texas and come over here?
A Yes sir.
Q Did these witnesses that you had before the court know you when you were in Mississippi? A Yes sir.
Q They knew that you had come from Mississippi? A Yes sir, they knew me in Alabama.
Q What family of the Choctaws did you come from? A Zadoc Brasheers.

By Mr. Telle:
Q That Sumpter County you spoke of is in Mississippi or Alabama? A Alabama.
Q The state lines have been made since that time have they?
A Yes sir, a little of the old nation run into Alabama and it was in Sumpter County.

RE CROSS EXAMINATION BY MR. CORNISH.

Q This county in which you were born was not in the old Choctaw Nation in Mississippi? A Oh up next the Louisiana line.
Q And after you were born your father with you moved into the old Choctaw Nation? A Yes sir.

Myra Young, having been first duly sworn states that as stenographer to the Five Civilized Tribes, she reported in full

all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Yanney

Subscribed and sworn to before me this 28th day of January, 1901.

Guy L. V. Emerson
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Atoka, I. T. Dec. 7, 1900.

The Choctaw Nation	:	
vs	:	D 355
Francis M. Jones	:	

APPEARANCES

For the Choctaw Nation, Melvin Cornish, Esq.

For the applicant, J. G. Ralls, Esq.

Joseph R. Plummer being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Cornish.

Q What is your name? A Joseph R. Plummer.
Q What is your age? A Sixty seven.
Q You are a citizen of the Choctaw Nation are you? A Yes sir.
Q Admitted to citizenship by the ChoctawCouncil? A Yes sir, by blood.
Q I want to get a statement from you for the information of the Commission in regard to your admission to citizenship. When were you admitted? A In 1883.
Q Now what persons were named in that act of admission?
A I only petitioned to be recognized myself.
Q What children did you have living at that time? A Well all of the children.
Q How many? A Eight.
Q All living at that time? A All living, no sir.
Q Some born since? A No sir, the oldest one married Butler and was dead. The youngest girl died since.
Q After that act of admission the Choctaws recognized you as a citizen? A Yes sir.
Q Immediately after your admission to Choctaw citizenship the Choctaws recognized you? A Yes sir.
Q Immediately after that did they also recognize your children, your family at that time? A Well, they did. They got the Leased District money, three of the boys.
Q Three of the boys got the leased District money? A Yes sir
Q When was the second act passed? A I think in 1895. Possibly in 1894. I have the papers with me.
Q How many of your children did not get the Leased District money. A Walter G. Plummer and Mollie G. Ragen.
Q And her children? A Yes sir.
Q Did Walter G. Plummer have children also? A Yes sir.
Q The children were your grand children? A Yes sir.
Q Any others? A I think Franklin E. Plummer.
Q And his children? A He had no children.
Q Was he your son? A Yes sir.
Q Why did they fail to get the Leased District money? A Because they failed to be here the year before the Choctaw lease. All the citizens who were not within the bounds of the Choctaw Nation would not be counted in the Leased District payment.

Q Then these people you have mentioned were not living in the Indian Territory in 1893 were they. Is that your statement? A Yes sir. They were here but they come in 1892. I think that act was passed in April. In 1893 the payment was.

Q The payment made in 1893 on the rolls made in 1892?

A Yes sir.

Q They were not living in the Choctaw Nation in 1892? A No sir, they come after the roll was made up except three that received their money.

Q Did all of your children who were living here at the time the roll was made up, receive their Leased District money? A Yes sir.

Q And those who did not reside here when the roll was made did not receive the money? A No sir.

Q Where did they live? A They had moved to Texas.

Q When did they moveback? A I think in the fall and winter of 1892.

Q They had lived there however, from the time you were originally admitted up to the time they moved to Texas? A Yes sir.

Q This second act was passed in 1895? A ~~xx~~ '94 or '95.

Q Whose names were included in that act? A All included except those who were living out there. I asked them to come here and live with me and if they would not come here their names would not be in there.

Q Then in the second act of admission the names of all your children who were then in the Indian Territory and living with you were mentioned? A Yes sir.

Q Why did you have that second act passed? A I believed it was right. I wanted the act passed. I wanted to be fair with the Nation.

Q You felt that if this second act, stating their names was not passed, there might be some question as to their citizenship?

A Yes sir. Brazell Leflore told me to have my children recognized as soon as I could.

Q By the Council? A Yes sir.

Q And in obedience to that advice you had this act passed in order that there might be no question? A I did, sir.

Q Who else did you talk with about that? A Several of my friends. J. B. Jackson, was the man I first had a conference with. He was then National Secretary.

Q You talked quite generally among your friends? A Yes sir.

Q Did you advise with Mr. Telle about it? A Yes sir, he drew the petition.

Q And Telle represented you before the Council by which the second act was passed? A No sir, just drew the bill upon my direction. I placed the matter before the Council myself.

Q Mr. Telle drew the bill? A Yes sir, I dictated it.

Q Did you ask his advice? A I just asked him to draw the bill He was an attorney and of course knew about it, I told him I wanted the bill to place before the citizenship committee and wanted my children that was here recognized and those who would not come here would not be in.

Q You understand that this does not affect your citizenship?

A I will just say, my daughter Fannie Seals, I asked her why she wouldn't live in the Indian Territory.

Q You understand this does not affect your citizenship but another question before the Commission

Examination by Mr . Ralls.

Q It wouldn't make any difference if it did apply to your case you would answer the same way, wouldn't you? A I am pretty sound on it.

Q As I understand you then, you only mentioned your own name in the petition to be admitted as a member in 1883. You were admitted

and as soon as you were admitted your children ~~xxxx~~ who were here with you were recognized by the Choctaws? A Yes sir.

Q They got all the benefits as other Choctaws and afterwards in order that there might be no question at all, you had an act passed specifically naming all the children who were then here?

A Yes sir.

Q And I also understood you to say that your children who were residing here - in regard to the payment of the Leased District money - were placed on the Leased District roll? A Yes sir, three of them.

Q Now isn't it a fact that your son Charley Plummer was elected to Council before he was specifically named in any act of admission. A Yes sir.

Q In every way your children were regarded as Choctaws? A Those that were here.

Q That was on the theory that you being the father, your children were entitled to recognition as Choctaws? A Yes sir. He was on the Indian Police for nine years. I heard him say so yesterday

Q They didn't have any one on the Indian Police but Indians?

A No sir.

Q And as I understand you those that did not draw Leased District money were not here at the time the act for the payment of that money was passed, and under the act they could not draw the money, not being residents? A They could not receive the payment but did not affect their property rights.

Myra Young being first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date

Myra Young.

Subscribed and sworn to before me this 26 Day of January, 1901.

Guy L. V. Emerson
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF JAMES M.BUCKHOLTS ET AL

TO BE ENROLLED AS MEMBERRS OF THE CHOCTAW NATION.

The deposition of Joel Everidge taken at the residence of Joel Everidge about nine miles east of the town of Grant, in the Central District of the Indian Territory, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon on the 8th day of January A.D.1901, to be used as evidence in behalf of the above named applicants and all the descendants of William Buckholts, John Wall and R.T.Jones and in behalf of all persons having married any of such descendants, pending before the Commission to the Five Civilized Tribes.

Joe Everidge after being duly sworn deposes and says: I am 72 years old, a citizen of the Choctaw Natuon by blood and a resident of Kiamitia County, Choctaw Nation. I am one of the Supreme Judges of the Choctaw Nation. I was first elected to the office in the year 1868 and have served in that capacity every year since that year with the exception of four years during which time Judge J.R..Turnbull served. I was on the bench when the application for citizenship in this nation was presented by William Buckholts, R.T.Jones and John Wall. The Court took up the case and examined the witnesses thoroughly. The witnesses were all Choctaws by blood and perfectly reliable. The Court being satisfied that Wm.Buckholts was a Choctaw by blood and that R.T.Jones was entitled to intermarried rights by virtue of his marriage to the daughter of Wm.Buckholts and that Hohn Wall was entitled to inter-married rights by virtue of his marriage with a sister of the said William Buckholts, rendered a decision in their favor naming only the heads of families. This was the first case of this kind ever passed on by the Court. At that time it was not considered necessary that the Children should be named. I remember that William Buckholts asked if it was necessary to name the children and Chief Justice I.L.Garvin informed him that if the parents were Choctaws the children certainly were Choctaws. This case was decided under authority conferred on the Court by an Act of the General Council passed in 1872. Previous to this act there was no law of the Choctaw Nation requiring persons to prove up their citizenship. Citizenship at that day and time was not considered as being of the value that was placed on it in after years and at the present time. Even to this day there is no law specifically requiring the children to be named but the practice of late years by the Citizenship Committees of Council has been to have them named, owing to the great number of applicants, for its information.

JOEL EVERIDGE.

United States of America,
Indian Territory,

I, William Beadles, a Notary PubHewithin and for the Central District of the Indian Territory, do hereby certify that the foregoing deposition of Joel Everidge, was taken before me and was read to and subscribed by him in my presence, at the time and place and in the action mentioned in the caption. The said Joel Everidge having been firs sworn by me, that the evidence he should give in the matter should be the truth, the whole truth and nothing but the truth; I further certify that his statements were reduced to writing in his presence, the applicants not bein g present in person and being represented by A.Tolle,one of their attorneys and the Choctaw and Chickasaw Nations not being represented by their attorneys although properly served with a notice as evidenced by the return hefete attached.

Given under my hand and official seal at the above named place within the Central District of the Indian Territory this the 8th day of January, A.D.1901.

(SEAL)

WM.BEADLES,
Notary Public.

BEFORE THE COMMISSION TO FIVE CIVILIZED TRIBES.

In the matter of the Applications of
James E.Rockwills et al, to be enrolled as members of the Cherokee Nation.

Notice to take Depositions.

To Mansfield, McMurry and Cornish, attorneys for the Cherokee and Chickasaw Nations:

You are hereby notified that the applicants, James E.Rockwills, et al, will take the deposition of Judge Joel Beveridge at the residence of the said Judge Joel Beveridge about eight miles nearly east of Bryan in the Central District of the Indian Territory, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon on the eighth day of January, A.D.1901, the said deposition then taken to be used before the Commission to the Five Civilized Tribes by the said applicants in their application to be enrolled as members of the Cherokee Nation and to be used in behalf of all of the descendants of William Rockwills, E.T.Jones and John Hall, and in behalf of all persons claiming to be enrolled as intermarried citizens who have married any of said descendants. And if the taking of said deposition be not completed on the said day, the taking thereof will be continued from day to day at the same place and between the same hours until completed.

J.S.RAIN,
TELLE & CHANNING
Attorneys for Applicants.

United States of America,
Indian Territory, ss
Central District.

I, Jasper P. Grady United States Marshal for the Central District of the Indian Territory do hereby certify that I received the above and foregoing notice at the hour of 8.30 o'clock A.M. on the 24th day of December, 1900, and that I served the same at the hour of 4.00 o'clock P.M. in the town of South Canadian in said district and Territory, by delivering a true copy thereof to Melvin Cornish, a member of the law firm of Mansfield, McMurry & Cornish.

Witness my hand this the 26th day of December, 1900.

J. P. Grady,
U.S.Marshal, as aforesaid
By Robt.Perkins, Deputy.

Fee for serving 20 cts.
Paid by J.S.Rain.
J.P.Grady,
U.S.Marshal.

United States of American,
Indian Territory,
Central District.

I, WM. REAMES, a Notary Public within and for the Central District of the Indian Territory, with office at Grant, I.T., do hereby certify that the above and foregoing is a true and correct copy of the deposition of Joel Everidge taken before me on the 8th day of January, 1901, and that the copy of the notice thereto attached is a true and correct copy of the original notice attached to said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal as such Notary Public aforesaid, at Grant, in said district and Territory this 9th day of February, A.D.1901.

Notary Public Aforesaid.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of William T. Jones for enrollment as a citizen by blood of the Choctaw Nation. ----D 376----

On the first day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of William T. Jones for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

The applicant appears by his attorneys, J. G. Ralls and A. Telle.	: Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

STATEMENT BY COUNSEL:

MR TELLE: We ask that reference be made to leased district pay roll, 1893, for Blue County, page 64, No.669; also to 1896 Choctaw Census roll, page 177, No. 7181 where the name of this applicant appears as W. T. Jones. Applicant asks that the testimony in the James M. Buckholts case, D-357, be referred to in this case and considered as testimony in this case insofar as the same may be applicable.

BY THE COMMISSION:

This case will be considered by the Commission upon the evidence and record as now made up.

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Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-376

Muskogee, Indian Territory, March 1, 1902.

William T. Jones,

Ego, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1 902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

(Copy)

An Act entitled an Act directing and authorising the supreme judges of the Choctaw Nation to take evidence during the term of the Supreme Court of all persons who may claim to be Choctaw or Chickasaw descent, and fixing their pay.

Sec. 1st. Be it enacted by the General Council of the Choctaw Nation assembled; That the Supreme Judges of this Nation be and they are hereby directed and authorized that after the regular business of the Court is disposed off, shall proceed to take evidences in all cases of any person or persons claiming to the Choctaw or Chickasaw descents, who may have settled or may hereafter settle in this Nation, claiming the rights and privileges of citizenship, said person or persons shall be required to prove his, her or their blood and descent by two or more disinterested witnesses; and all the evidences taken and the opinion and the decision of the Judges shall be entered upon the minutes of the Courts;" and for preventing any error the proceeding of the previous day shall be read and corrected before it shall be signed by the judges of the Supreme Court;" and the said opinion and decision of the Supreme Judges of any person or persons to be the bonafide citizens of this Nation shall be final and filed away in the office of the clerk of the Supreme Court."

And be it further enacted, That any person or persons claiming to be Choctaw or Chickasaw descent and settle within the limits of this Nation, and fail to prove to be Choctaw or Chickasaw descent, shall remove from this Nation, by the sheriff of the County in which he, she or they may have settled, and in that case he, she or they refuse to comply with the requirement of this Act, then the sheriff of said county shall inform of the existance of the fact to the United States Indian Agent for the Choctaws and Chickasaws to take such steps as he may think proper to effect in

the removal of person or persons so refusing beyond the limits of this Nation.

That the Supreme Judges and Clerk in the performance of this extra duty in addition to what is already imposed upon them, shall be entitled to increase the sum of seven dollars a day each from the National Treasurer, upon the certificates of the Chief Justice and attested by the Clerk of the Court, of the amount of days they may have set, and National Auditor is hereby required to issue his warrant upon the National Treasurer and the National Treasurer pay the same.

Be it further enacted, That this act shall take effect and be in force from and after its passage. Approved this 20th day of March A. D. 1872.

WILLIAM BRYANT, P.C. C.N.

This is to certify that the foregoing is a true and correct copy from the original act of the General - - - of the Choctaw Nation passed and approved by the special session of the Council now on filed in the office of National Secretary at Tushka Homma, the capital of the Choctaw Nation.

Witness my hand and the Great Seal of the Choctaw Nation this the 21st day of October A.D. 1896.

J. B. JACKSON,
National Secretary, Choctaw Nation.

Endorsed:
Department of the Interior,
Commission to the Five Civilized Tribes.
FILED
Tams Bixby,
Acting Chairman.

I, Julius Y. Miller, stenographer to the Commission to the Five Civilized Tribes, certify on oath that the foregoing is a true and correct copy of the Act of the Choctaw Council now on file with the Commission in Choctaw case No. 385.

Julius Y. Miller

Subscribed and sworn to before me this the 2nd day of July, 1903.

Charles W. Lawyer
Notary Public.

(Copy)

In Supreme Court, Oct. Term 1872.

In the matter of the Petition of Wm. Buckholts, R. T. Jones, John Null.

Their petition asking for a citizenship to be granted to them by the Supreme Court as the law directs have taken the same under consideration, and are of the opinion that the evidences of the witness that they are descendants of the Choctaw people, therefore citizenship is hereby granted them.

I. L. GARVIN, Chief Justice.

J. W. EVERIDGE, Associate.

E. W. FOLSOM, Associate.

Attest:

Green W. Gardner,

Supreme Clerk.

I do hereby certify that the above is a true copy from the original decision of the Supreme Court of the Choctaw Nation.

This 16th Oct. 1872.

GREEN W. GARDNER,
Supreme Clerk of the C. Nation.

ENDORSED:
Department of the Interior,
Commission to the Five Civilized Tribes.
FILED
Tams Bixby,
Acting Chairman.

I, Julius Y. Miller, stenographer to the Commission to the Five Civilized Tribes, certify on oath that the foregoing is a true and literal copy of the decision of the Choctaw Supreme Court on file with the Commission in Choctaw case No. 3854.

Julius Y. Miller

Subscribed and sworn to before me this the 2nd day of July, 1906.

Charles W. Lawyer
Notary Public.

Muscogee, Indian Territory,
August 18th, 1900.

William F. Jones,

Ego, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-376.

Muskogee, Indian Territory, September 18, 1900.

William T. Jones,

Ego, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest to your enrollment is, that you have never been admitted by the Choctaw Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

W-D-376

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of William T. Jones for enrollment as a citizen by blood of the Choctaw Nation. ----D 376----

On the first day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of William T. Jones for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

The applicant appears by his attorneys, J. G. Ralls and A. Telle.	: Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

STATEMENT BY COUNSEL:

MR TELLE: We ask that reference be made to leased district pay roll, 1893, for Blue County, page 64, No.669; also to 1896 Choctaw Census roll, page 177, No. 7181 where the name of this applicant appears as W. T. Jones. Applicant asks that the testimony in the James M. Buckholts case, D-357, be referred to in this case and considered as testimony in this case insofar as the same may be applicable.

BY THE COMMISSION:

This case will be considered by the Commission upon the evidence and record as now made up.

----o----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

Clarence Tolliwood Notary Public.

Choc 5743 Minnie Lowe

Trans from choc freed card #451

5743

FREEDMAN.

In the matter of the application of George Low, to the Commission to the Five Civilized Tribes, at Alikchi, I.T., April 28th, 1899, for enrollment as a Choctaw Freedman. Being duly sworn by Commissioner Needles, and examined by him, et al, he testified as follows:

Sylvester Davis being duly sworn and examined through an Interpreter, testified as follows in behalf of George Low:

Q. What is your name? A. Sylvester Davis.

Q. Do you know this boy? A. Yes sir.

Q. What is his name? A. George Low.

Q. Did you know his mother? A. Yes sir, his mother's name was Beebe.

Q. Was she an Indian or Negro.? A. She was not right black. I could tell there was some Choctaw in her. I don't know much about it, but there are other parties here who knew her better.

Thomas Charley, being duly sworn, testified as follows in behalf of George Low: Examined through Interpreter.

Q. What is your name? A. Thomas Charley

Q. Do you know this boy George Low? A. Yes sir.

Q. Did you know his mother? A. Yes sir.

Q. Was she a slave or an Indian? A. This boy's grand mother was a slave.

Q. What was his grand mother's name? A. I do not know.

Q. What was his mother's name? A. Beebe.

Q. Do you know her other name? A. No sir.

Q. Do you know this boy's father, who he was? A. Impson Low a Choctaw was his father.

Q. Were they married? A. No sir not married.

Q. Do you know who this boy's grand mother belonged to? A. Willis Cravatte.

Q. Has the boy always lived here in the Choctaw Nation? A. Yes sir, raised in Bok Tuklo County.

Andrew Colbert being duly sworn, testified as follows in behalf of George Low:

Q. Do you know this boy here, George Low: A. Yes sir.

Q. Do you know his mother? A. Her name was Lucy Cravatte.

Q. Do you know her mother? A. If I mistake not they said her mother had the same name, she belonged to Cravatte, a widow.

Q. His mother was a slave was she? A. Yes sir.

Q. What name did she go by? A. Lucy Cravatte.

Q. Where ddd they Live? A. Down on Red River, south of Luk-fa-ta.

Q. What name has this boy been going by all the time? A. George, is all I know of, his father was a Choctaw, in English his name was Impson Lowm, but his Indian name was Ontantubbi.

Q. Do you recollect whether he got his money or not? A.No sir.

Q. His mother belonged to Widow Cravatte did she? A. Yes sir.

Q. What neighborhood had his mother been living in? A. In Bok Tuklo County down in the Cassie Cravatte neighborhood.

Q. Has he any brothers or sisters? A. He has one sister, he says she is in Cedar County. Her name is Milly, he sais she is living with an Indian but not married, she has no children.

Q. Do you think he is entitled to enrollment? A. Yes sir, when I first moved to Bok Tuklo County his mother was living with this widow, and I was always told she belonged to her. His mother was colored, but stayed among the Indians mostly.

Q. How old do you think he is? A. About 15, and his sister is about 20

(Enrolled George Low and sister as Choctaw Freedmen)

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, Ind. Ter., November 28, 1902.

Choctaw
Original.

In the matter of the original application for the enrollment as citizens by blood of the Choctaw Nation of Minnie Lowe and her minor brother, George Lowe.

Minnie Lowe, having been first duly sworn, upon her oath testifies as follows, through W. A. Shoney, official Choctaw Interpreter:

Examination by the Commission.

Q What is your age? A Minnie Lowe.
Q How old are you? A Twenty one.
Q What is your post office address? A Doaksville, Indian Territory.
Q What is the name of your father? A Impson Lowe.
Q Is he living or dead? A Dead.
Q What was your mother's name? A Josie Lowe.
Q Is she living or dead? A Dead.
Q When did Impson Lowe die? A About eight years ago.
Q Was he a citizen by blood of the Choctaw Nation? A Yes.
Q When did your mother die? A Can't tell the time, but it is a long time, when I was little girl.
Q Was your mother a Choctaw Indian? A Yes.
Q Can you remember your mother? A Yes.
Q Was her hair as straight as yours? A Yes.
Q You are sure your mother was not a Choctaw freedman? A Don't believe she was.
Q Do you think she was a full blood Choctaw Indian? A Yes, full blood.
Q What is the name of your brother? A George.
Q How old is he? A About seventeen.
Q Where do you and George live now? A Near Doaksville.
Q Whom do you live with? A Wilmon Nanomantubbee.
Q Is he any kin to you? A No relation.
Q How long have you lived with him? A About three months.
Q Are you his wife? A We are not married.
Q Where were you born? A In Boktuklo County.
Q Where was George born? A In Boktuklo County.
Q Was your father a full blood Choctaw Indian? A Yes.

(Applicant Excused)

Sampson Dennis, called as a witness, having been first duly sworn, upon his oath testified as follows, through W. A. Shoney, official Choctaw Interpreter:

Examination by the Commission:

Q What is your name? A Sampson Dennis.
Q How old are you? A Fifty one.
Q Do you know Minnie and George Lowe? A Yes sir.
Q How long have you known them? A Over ten years.
Q Did you know their father? A Yes.
Q What was his name? A Impson Lowe.
Q Was he a full blood Choctaw? A Yes.

Q Did you know their mother? A Yes, I knew their mother.
Q Were you well acquainted with her? A Yes.
Q Did you live in the same neighborhood as Impson and his wife? A Yes, about seven miles away.
Q Was she a Choctaw woman? A Yes, Choctaw freedman, sort of light complected, and her hair was not exactly straight, sort of kinky.
Q She was called as freedman was she? A Yes, she was known as such.
Q What was her name? A Don't remember her name.
Q Did you know her pretty well? A Yes.
Q Do you know that the woman you are speaking of was the mother of Minnie and George Lowe? A Yes sir.
Q Did she talk the Choctaw language? A Yes sir, talked as well as any Choctaw.
Q Were you at Impson's house often? A Yes sir.
Q Do you know when these children were born? A When I knew them first they were about five or six years old.
Q That was the first time that you ever knew them? A Yes sir.
Q Did you ever talk with Impson Lowe about these children? A Yes, he used to say they were his children.
Q Did he ever say this woman he was living with was the mother of these children? A Yes sir.
Q You are sure about that? A Yes sir.
Q Impson Lowe could have had woman before that time, and you not know anything about it? A He did have a wife, but they parted every once in a while, and there were no children born to them.
Q How do you know that? A He would take one woman and live with her and let her go, and then get another one and didn't have any particular wife.
Q These children were five or six years old when you first knew them? A I don't know---I didn't know them until they were about five or six years old.
Q How long did you know Impson Lowe? A Always knew him---about twenty years.
Q How long did Impson Lowe live with the woman you say was the mother of these children? A Can't tell.
Q When did he marry her? A Don't know that they ever were married.
Q Did they live together as man and wife? A Yes sir.
Q How long had Impson Lowe been living with this woman that you say was the mother of these children before you knew these children? A I lived in the western edge of Bokyuklo County and moved close to Lukfata where the parents of these children lived and I always knew Impson Lowe, but I always thought his wife was a Choctaw, but after I moved over there some one told me Impson's wife was a freedman, and during that time I went to his house and saw these children and they were about five or six years old. I was not a neighbor to them always.
Q Then you don't know that this Choctaw freedwoman was the mother of these children? A No sir, I don't know that woman was the mother of the children; I couldn't swear that very well.
Q Do you know how long Impson Lowe had been living with this woman when you first saw these children? A No sir.
Q Then some other woman might have been the mother of these children? A Yes sir, but their father told me that woman was the mother.

Q But you don't know but that some other woman might have been the mother? A No, I don't know.
Q Impson Lowe had had two or three women before that? A Yes sir he had taken a woman and lived with her a short time, and let her go, and then picked up another one.
Q You thought before you saw the woman that Impson Lowe's wife was a full blood Choctaw? A Yes sir.
Q He had had full blood Choctaw women with him before then? A Yes sir.
Q You don't know when he married this woman that you think was the mother of these children? A No.
Q You were not living near by him when Impson Lowe took that woman to live with him? A No sir.
Q Do you think these children look like full blood Choctaw Indians? A Yes sir.
Q Do they look as if they had any negro blood in their veins? A I have thought they have little in them.
Q What makes you think so? A Some Choctaws are light complected and some are dark, and the boy is dark, and that is the reason I think they have little freedman b lodd in them.

(Witness Excused)

Wallace Crosby, having been called as a witness, being first duly sworn, upon his oath testifies as follows, through W. A. Shoney official Choctaw interpreter:

Examination by the Commission:

Q What is your name? A Wallace Crosby.
Q How old are you? A About fifty eight.
Q Are you a full blood Choctaw Indian? A Yes .
Q What county do you live in? A Boktuklo.
Q Did you know Impson Lowe? A Yes sir.
Q How long did you know him? A I knew him for about twenty some odd years until he died.
Q Did you live close by him? A About fifteen miles.
Q Did Impson lowe have more than one woman that he lived with? A His wife was the mother of these children.
Q Did Impson Lowe have more than one woman that he lived with? A Yes, more than one wife.
Q How many wifes did Impson Lowe have? A About ten.
Q How long have you known Minnie and George Lowe? A I have known them for about twenty years.
Q Do you know when this girl was born? A No, don't know when she was born.
Q Where were you living when this girl was born? A At the head of Lukfata Creek.
Q Where did Impson Lowe live at that time? A Just across Little River about four miles.
Q How far from where you live did he live? A About fifteen miles.
Q How old was Minnie Lowe when you first saw her? A About ten years old.
Q Didn't you just tell me you had known her for twenty years? A It has been twenty years since I knew this girl when she was about so high (indicating).

Q How long have you known George Lowe? A The boy must be about seventeen or eighteen years old.
Q How long have you known George Lowe? A I knew the boy ever since he commenced walking.
Q Do they look like Indians? A Their father was a Choctaw and they look like Choctaw.
Q Do they look as if they had any negro blood? A Yes.
Q Don't they look like the rest of these full blood Choctaws around here? A They don't look exactly like a full blood Choctaw.

(Witness Excused)

(These applicants , Minnie and George Lowe, look like full blood Choctaw Indians, having long straight black hair, very coarse; black eyes, high cheek bones, copper colored skin. They talk the Choctaw language and cannot talk or understand the English language.)

The name of George Low appears upon the 1896 Choctaw Census Roll, Page 198, No.7976.

The father of these children is said to be Impson Luke on page 29, No.188, Bokfuklo County, Choctaw 1893 Leased District Payment roll.

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Harry C Risteen being first duly sworn upon his oath states That he is stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry Risteen

Subscribed and sworn to before me this 16 day of December, 1902.

P. C. Bolgai

Notary Public.

MEMORANDA.

(Date) 4-28 1899.

Name Geo Low

Choctaw ? Yes County Bok Tuklo Year No. Not on roll

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship Choctaw Freedmen

Intermarried citizen ?

Married under what law ?

License filed this day,

Sister's Wife's name, Milly Low

Choctaw ? Yes County Cedar Year No Not on roll

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship Choctaw Freedmen

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

451

Choctaw 8743

Muskogee, Indian Territory, March 26, 1904.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 21, inclosing letter of the Commission of March 10, 1904, to Noah McGill, relative to the enrollment of George and Minnie Lowe as citizens by blood of the Choctaw nation.

In reply you are advised that if further evidence is necessary to enable the Commission to pass upon the rights of these applicants, they will be duly notified.

The communication inclosed with your letter is herewith returned.

Respectfully,

Commissioner in Charge.

AB 2-26

Choctaw 8743

Muskogee, Indian Territory, March 10, 1904.

Noah McGill,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 5, asking relative to the enrollment of George Lowe as a Choctaw Indian.

In reply to your letter you are advised that Minnie Lowe and her brother, George Lowe, have been listed for enrollment as citizens by blood of the Choctaw Nation, but their names have not yet been placed upon the schedules of citizens by blood of said nation prepared for forwarding to the Secretary of the Interior. It is suggested that you communicate with the Commission again in about sixty or ninety days, when you will be advised as to whether or not their enrollment has been approved by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw-5744.

Muskogee, Indian Territory, June 16, 1904.

George Lowe,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6th, in which you ask to be advised why you cannot file on your allotment.

In reply to your letter, you are informed that you have been enrolled by the Commission as a citizen by blood of the Choctaw Nation and your enrollment as such was on May 9, 1904 approved by the Secretary of the Interior. There is apparently no reason at this time why selection of allotment should not be made in your behalf in accordance with the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, a copy of which is herewith enclosed you.

Respectfully,

Chairman.

Rules for Allotments.

7-5743

Muskogee, Indian Territory, June 1, 1904.

Noah McGill,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of recent date requesting the postoffice address of George Lowe, a full blood Choctaw Indian.

You are informed it appears from our records that the postoffice address of George Lowe is Doaksville, Indian Territory.

Respectfully,

Chairman.

Choc 5744 Alice E. Overstreet

hhls

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of--

Alice E. Overstreet ---------- 7 D-689.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, November 29th, 1901.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Alice E. Overstreet. Alice E. Overstreet being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Alice E. Overstreet.
Q How old are you? A Twenty-five.
Q What is your post-office address? A Cowlington,
Q Where is that? A Its in the Choctaw Nation, Indian Territory.
Q How long have you lived in the Choctaw Nation? A About seven years.
Q Have you maintained a continuous residence there for that length of time? A Yes sir.
Q Where did you live before that? A Kentucky, Louisville.
Q Born in Kentucky? A Yes sir.
Q And lived there up until the time you removed to the Choctaw Nation? A Yes sir.
Q What is your father's name? A Jim Cremeens.
Q Is your father living? A No sir.
Q What is your mother's name? A O'Brien, second marriage.
Q What was her maiden name? A Rebecca Taylor.
Q Is your mother living? A Yes sir.
Q Are your parents both white people? A Yes sir.
Q Citizens of the United States? A Yes sir.
Q Have either of your parents ever been recognized in any manner or ever made application to be recognized as citizens by blood of any tribe of Indians? A No sir.
Q Do you claim any rights as a citizen by blood of any tribe of Indians? A No sir.
Q You are a white woman? A Yes sir.
Q You are making application at this time to be enrolled as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of your husband? A Clayton N. Overstreet.
Q Is he a citizen of the Choctaw Nation? A Yes sir.
QX A citizen by blood? A Yes sir.
Q Has he always been recognized and enrolled as such? A Yes sir.
Q Has he been enrolled by this Commission as a citizen of the Choctaw Nation? A Yes sir, I guess so.

The records of the Commission examined and the name of Clayton N. Overstreet, 24 years of age, is found upon Choctaw roll card, field No. 2683, where he was listed on June 14, 1899, having been identified by the Commission to the Five Civilized Tribes as a resident of Skullyville County, Choctaw Nation, upon the 1896 census roll of that nation.

Q Where did you marry Mr. Overstreet? A Married him in Skullyville County.
Q When? A The 23rd day of January, 1901.
Q Who married you? A Parson Shackelford.
Q At the time that you and your husband were married had you both for three years prior to that time been residents of the Choctaw Nation? A Yes sir.

Q Neither of you had ever lived in the Chickasaw Nation? A No sir.
Q How were you married? A We were married on horseback.
Q Did you obtain a license? A Yes sir.
Q Have you your marriage license? A Yes sir.

The applicant here offers in evidence and there is marked exhibit "A", filed and made a part of the record in this case, marriage license issued by M. J. Fannin, Clerk United States Court for the Central District, Indian Territory, to Clayton N. Overstreet to marry Miss Allie E. Graf. Attached thereto being the certificate of S. J. Shackelford as to the marriage of Clayton N. Overstreet and Allie E. Graf on the 23rd day of January, 1901, said marriage license and certificate being recorded in book 1 of the marriage records page 527 , United States Court for the Central District of the Indian Territory.

Q The marriage license that you present here gives your name as Allie E. Graf? A Well, I was married before.
Q The Allie E. Graf mentioned in this marriage license is you? A Yes sir.
Q You had been married prior to your marriage to Clayton N. Overstreet? A Yes sir.
Q What was the name of your husband? A Edward A. Graf.
Q Was he a white man? A Yes sir.
Q A citizen of the United States? A Yes sir.
Q Had no right as an Indian of any kind? A No sir.
Q Did he die prior to your marriage to Clayton N. Overstreet?
A No sir, I was divorced from him.
Q Is hestill living? A Yes sir.
Q Have you evidence of your divorce? A Yes sir.
Q Have you it with you? A Yes sir.

The applicant here offers in evidence and there is marked exhibit "B", filed and made a part of the record in this case, what purports to be a copy of the records of the United States Court for the Central District of the Indian Territory, granting a divorce to Alice E. Graff from Edward A. Graff.

Q Were you ever married to any one else? A No sir.
Q Was your husband ever married before he married you? A No sir.
Q Are you and your husband living together as man and wife?
A Yes sir.
Q And have been continuously since your marriage? A Yes sir.

Myra Young, having been first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of November, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.
Subscribed and sworn to before me this 29th day of November, 1901.

Myra Young

Acting Chairman.

Friday Nov. 16th 1900 -

Alice E. Graff

No. 467

vs.

Edward A. Graff

This day this cause came for trial and the court finds that the defendant has been legally served by publication of warning and order and that from the evidence in this case that the plaintiff is entitled to a divorce from the defendant.

It is therefore adjudged and decreed by the court that the bonds of matrimony existing between the parties hereto be and the same are hereby dissolved and that the plaintiff is hereby divorced from the defendant.

No. 1033

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } SCT:

I, E. J. Tannin, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of Mr Clayton N. Overstreet and Miss Ellen E. Graf was filed in my office in said Territory and District the 7th day of February A. D. 1901 and duly recorded in Book C of Marriage Record, Page 527

WITNESS my hand and seal of said Court at Purcell this 7th day of February A. D. 1901

E. J. Tannin Clerk.

By J. F. Warner Deputy.

7—660

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 29 1901

ACTING CHAIRMAN

No. 1053

FORM NO. 593.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } ss:

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the **Banns of Matrimony** between Mr. Clayton N. Overstreet of Coalington in the Indian Territory, aged 25 years, and Miss Ollie E. Lee of Coalington in the Indian Territory, aged 24 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this 21 day of January, A. D. 1901

By J. J. Varner Deputy.

E. G. Fleming
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
Central DISTRICT. } ss:

I, S. J. Shackelford a Minister of the M. E. Church do hereby CERTIFY, that on the 23 day of January, A. D. 1901, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANNS OF MATRIMONY between the parties therein named.

Witness my hand this 23 day of January, A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, ~~Central~~ First District, Book A, Page 32

S. J. Shackelford
a Minister M. E. C.

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

7—600

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 13 '01

ACTING CHAIRMAN

No. 467

Alice E Graff

versus

Edward A Graff

COPY OF ORDER OF COURT.

E J Farrar, *Clerk,*

By J T Vann *Deputy.*

7—345

United States of America,
INDIAN TERRITORY,
Central DISTRICT. } ss:

I, E. J. FANNIN, Clerk of the District Court of the United States for the CENTRAL District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 2nd day of NOVEMBER, 190 0, as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in POTEAU, in said District, this 5th. day of DECEMBER, A. D. 190 1

E. J. FANNIN, *Clerk.*

By [signature], *Deputy.*

Form No. 303.

COPY OF ORDER OF COURT.

United States of America,
INDIAN TERRITORY. } ss.
Central DISTRICT

IN THE UNITED STATES COURT in the Indian Territory, Central District, at a term thereof begun and held at Poteau, in the Indian Territory, on the 15th day of October, A. D. 1906:

Present, the Honorable WM.H.H.CLAYTON, Judge of said Court.

The following order was made and entered of record, to wit:

Alice E. Graff,
467 Vs.) Decree.
Edward A.Graff

This day this cause came on for trial and the Court finds that the defendant has been legally served by publication of warning Order,and from the evidence in this case that the plaintiff is entitled to a Divorce from the defendant.It is thereofre adjudged and decreed by the Court that the bonds of matrimony existing between the parties hereto be and the same are hereby dissolved and that the plaintiff is hereby divorced from the defendant.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 15, 1902.

In the matter of the application of Alice E. Overstreet for enrollment as a citizen of the Choctaw Nation.	D-689.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Alice E. Overstreet for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April 1902, this cause coming on to be heard, pursuant to said notice the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 18 day of April, 1902.

Clarence Chilcoat

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-689.

Muskogee, Indian Territory, March 5, 1902.

Alice E. Overstreet,

Cowlington, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
WISTER, I.T. Dec.16, 1902.

7-D689

In the matter of the application of Alice E. Overstreet for enrollment as an inter married citizen of the Choctaw Nation.

Alice E. Overstreet being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Alice E. Overstreet.
Q How old are you? A Twenty six.
Q What is your post office address? A Cowlington ,I.T.
Q That is in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A The past seven years.
Q Have you lived here continuously for the past seven years? A Yes sir.
Q Never made your home anywhereelse during that time? A No sir.
Q Do you claim inter married rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A Clayton Overstreet.
Q Is he a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q When were you marriedto Clayton Overstreet? A 1901 in January.
Q Where was this marriage ceremony performed? A a mile and a half a little North of Cowlington.
Q At that time were both of you bona fide residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A Parson Shackleford.
Q Were you married under a license? A Yes sir.
Q United States or tribal? A United Sates.
Q Were you ever married previous to your marriage to Clayton Overstreet? A Yes sir.
Q What was the name of your former husband? A Edward A. Graft.
Q When were you married to him? A In 1893.
Q How long did you live with him as his wife? A Three years.
Q At the end of that time were you divorced? A Yes sir.
Q Where wasthis divorce granted? A Poteau.
Q Was Clayton Overstreet ever marriedbefore he married you? A No sir
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported the abve case on December 16, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry S. Laws

Subscribed and sworn to before me this 6 day of January, 1903.

Charles H. Sawyer

Notary Public.

7 D-689.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Alice E. Overstreet as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that Alice E. Overstreet, (formerly Graff) on January 23, 1901, was lawfully married to Clayton N. Overstreet, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 7816 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on January 17, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and that they have lived together continuously in Indian Territory as husband and wife from the date of their said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Alice E. Overstreet should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 27 1904

Commissioner.

Choctaw D-689

Muskogee, Indian Territory, February 27, 1904.

Alice E. Overstreet,

Cowlington, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 27, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen by intermarriage of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner in Charge.

Registered.
Enc. 7-D-689.

Choctaw D-689

COPY.

Muskogee, Indian Territory, February 27, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 27, 1904, granting the application of Alice A. Overstreet for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen by intermarriage of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, her name will be placed upon the final rolls of the citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner in Charge.

Registered.
Enc.7-D689.

Muskogee, Indian Territory, December 13, 1901.

C. N. Overstreet,

Cowlington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing certified copy of decree of divorce between Alice E. Graff and Edward A. Graff.

The evidence of divorce enclosed in your letter has been duly filed with the records of this office in the matter of the application of Alice E. Overstreet for enrollment as a citizen by intermarriage of the Chootaw Nation.

Yours truly,

Commissioner in Charge.

7-D-689

Choctaw D 689

Muskogee, Indian Territory, April 21, 1902.

C. M. Overstreet,

Cowlington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, replying to our communication of March 5, 1902, to your wife, Alice E. Overstreet, advising her that the matter of her application for enrollment as a citizen by intermarriage of the Choctaw Nation would be taken up for final consideration by the Commission at its office at Muskogee, Indian Territory , on April 15 , 1902.

You state that your wife was not able on April 15th to go to Muskogee and that your official duties prevented you from making personal appearance in her behalf.

In conclusion you request that this case be continued until April 24th, 1902.

Replying to your communication you advise that on April 15 , 1902, at the office of the Commission to the Five Civilized Tribes at Muskogee , Indian Territory, the case of Alice E. Overstreet , applicant to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, was in pursuance of our notice of March 5 , 1902, called for final consideration and

C H O S.

no appearance was made either by or on behalf of the applicant or on behalf of the Choctaw Nation by its legal representatives.

The Commission therefore considering this case closed will at as early a date as practicable render its decision upon the right of your wife to enrollment as a citizen by intermarriage of the Choctaw Nation.

The record on file in this case is sufficient upon which the Commission can render an intelligent decision and it is not apparent that any further action is necessary on the part of your wife at this time.

Yours truly,

Acting Chairman.

choc 5745 Anna E. Smith

5745

Commission to the Five Civilized Tribes,

South Canadian, Indian Terr.

In the enrollment of Anna E. Smith as a Choctaw; Freeman R. Smith being sworn and examined by Com'r McKennon testifies as follo

Q What is your name? A Freeman R. Smith.

Q How old are you? A Thirty-one.

Q Your wife's maiden name was Anna E. Wade? A Yes sir.

Q She is a Cherokee? A Supposed to be, yes sir.

Q She lived in the Cherokee Nation? A Yes sir.

Q Up to what time? A Up until 1889.

Q Do you know whether she was ever enrolled in the Cherokee Nation? A I think she was.

Q Did she draw the Strip money there? A I think she did.

Q That is since you married her? A Yes sir.

Q You know she did draw money there? A Yes sir, she did.

Q Where was she born? A In the State of Tennessee I think.

Q When did she come to the Cherokee Nation? A When she was two years old.

Q She has lived there ever since until she came down here?

A Yes sir.

Q Do you know whether she is on the 1880 roll or not?

A I do not.

Q Her mother is still living there? A Yes sir.

Q And recognized as a Cherokee citizen? A I think she is

Freeman R. Smith, being re-called, states:

He states that at the age of thirteen his wife entered school in the Creek Nation, and her mother resided at Muskogee until she came to the Choctaw Nation in 1889, and that she has never resided in the Cherokee Nation since she was thirteen years old. She was in school five and one-half years; during all of this time her mother resided in Muskogee. Her mother returned to the

Cherokee Nation about two years ago, and is now residing there at Fort Gibson.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that I am the stenographer who reported the proceedings had before the above named Commission and that this transcript is a true, full and correct translation of my stenographic notes.

W M D Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 30, 1901.

In the matter of the application for enrollment as a citizen of the Choctaw Nation of Anna E. Smith and her three children, Orlean, Frances and Fulton Smith. Said Anna E. Smith having been first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Anna E. Smith.
Q Is it Anna or Annie? A It is Anna; it has been down as Annie a good many times, but it is a mistake, it is Anna.
Q How old are you, Mrs.Smith? A Thirty two years old.
Q What is your post-office address? A South Canadian. I was there when it was South, and I just supposed -
Q What is your father's name? A The initials, or the whole name?
Q His whole name? A Stephen Florence.
Q Wade? A Wade. Excuse me for not finishing it.
Q What is he, a white man? A Yes sir.
Q What is your mother's name? A Berenice Wade.
Q Is she a white woman? A She is a Cherokee Indian.
Q Is she enrolled as such by the Cherokee authorities? A A Yes sir, she is living there now.
Q Have you ever been enrolled as a Cherokee? A Yes sir.
Q When? A Well, it was when I was a child; I don't remember the exact dates; I think though that mother had me enrolled when I was - in eighty, I think it was - the last enrollment as near as I remember.
Q Your maiden name was Anne Wade? A Yes sir.
The name of Anna Wade appears upon the 1880 Cherokee authenticated roll on page 823, Tahlequah District, number 2616.
Q Did you draw Cherokee strip money in 1894? A Yes sir, I got my money, but I was not enrolled; they refused to enroll me. A friend of mine drew the money for me. He got the money for me, I was not there myself.
Q That was just a payment roll, wasn't it? A Yes sir.
Q How much money did you receive? A I have forgotten. How much was it we received. Two hundred and something, I have forgotten.
Q Did you draw for anyone besides yourself? A Yes sir, we drew for the children.
Q For how many? A Two.
Q What were their names? A Fannie and Orlean.
Q Which one of these was the oldest? A Orlean.
Q You drew for both of them in 1894? A Yes sir; we - no- well, it was the strip money I am speaking of.
Q Well, how much did you draw altogether. A I couldn't tell you at all, how much it was; I don't know how much it was; I can't tell you how much it was, for I don't remember.
Q Did you only get the money for yourself, or for yourself and children? A I got the money for myself and Orlean Smith.
Q When you received the money, did you receive it for yourself and child, or was the payment made for the child afterwards? It was for myself and the child at the same time, I think. Yes, for my child and myself at the sametime.

Anna E. Smith -#2.

Q You didn't draw for Anna? A Yes sir, afterwards - finally, but she was not enrolled at all; she has never been enrolled, but we drew for her afterwards; she went up with a friend of ours.

The name of Anna E. Smith appears upon the 1894 Cherokee strip payment roll number 2959.

Q How many childre n have you? A We have three.

Q What are their names? Orlean Smith, Fannie Smith and Fulton Smith.

Q Is Fannie's name Frances? Frances, yes sir, we call her Fannie, but her name is Frances.

Q Your children are all living now? A Yes sir.

Q Who is their father? A I don't understand.

Q Who was their father? A Freeman R. Smith.

Q Is he living? Yes sir, sitting back here in the room, I guess he is. Are you living yet?

Q Is he a citizen of the Choctaw Nation? A Yes sir; he is very near a full blood, ~~xintzyou?~~

Q How long have you lived in the Choctaw Nation? A I have lived there for very near eleven years, in the Choctaw Nation.

Q Continuously for the past eleven years? A Yes sir.

Q Never lived anywhere else? A No sir, I have not.

Q Ever been enrolled in the Choctaw Nation? A Yes sir I have.

Q Enrolled as what? A As an adopted Choctaw.

Q By intermarriage? A Yes sir. The Cherokees would not have me and I had to be an Indian somewhere, I would not be a white woman, so I went to the Choctaws and have stayed there ever since. I have never been away from the Choctaw Nation but to visit, that is all.

Q How did they adopt you, the Choctaws? A I don't know; they just took me as a Choctaw. I know my name was on the roll.

Q Was you adopted by an act of the Council? A I guess I was; I don't know.I don't know that I was or not.

Q Wasn't your name on the Choctaw rolls by reason of your marriage to a Choctaw Indian? A Why, I suppose so, I married a Choctaw Indian, and I guess they put my name there. All I know is that the Choctaws adopted me, and thats all I can tell you; I know I was adopted.

Q The name of Anna E. Smith appears upon the 1896 Census Roll of the Choctaw Nation, No.15042, as a citizen by inter marriage of the Choctaw Nation.

Q Did you draw the leased district money in the Choctaw Nation in 1893? A No sir; my little boy did, but I didn't.

The name of this applicant, Anna E. Smith, appears upon Choctaw card No.D-494, together with her three children, Orlean, Frances and Fulton Smith; the name of her husband, Freeman R. Smith, appears upon Choctaw card Number 4781.

Q These children of yours were all born in the Choctaw Nation? A Yes sir.

Q Have always lived there? A Yes sir, for eleven years or more, maybe a little over eleven years. I Have never been away from there anywhere for eleven years.

Q When were you married to Freeman R. Smith? A In 1891.

Q Married to him by a Choctaw preacher? A Yes sir.

Q And you were acknowledged after that marriage as a citizen by intermarriage of the Choctaw Nation? A Yes sir.

Q But have never been formally adopted by the Choctaw authorities as a citizen of the Choctaw Nation? A I have been formally adopted.

How were you adopted? A I can't tell how; I just know I was adopted, thats all.

Q After you were married to Freeman R. Smith you were acknowledged by the Choctaw authorities as an intermarried citizen of the Choctaw Nation A Yes sir.

Q When your child, Orlean, was born, you drew money in 1893 for h him out of the leased district payment made to the Choctaws? A Yes sir.

Q And you then went back o the Cherokee Nation and drew for him as a Cherokee? A Yes sir.

Q You still claimed your right as a Cherokee citizen after you had married a Choctaw and had been enrolled as a Choctaw? A I tried to claim my right, but they would not let me?

Q They let you draw your money? A No sir.

Q How did you get it? A I got it through a friend of ours.

Q You tried to get it after you had been enrolled as a Choctaw? A Yes sir.

Q You still claimed to be a Cherokee by blood? AYes sir.

Q Claimed for your child as a Cherokee by blood? A Yes sir.

Q In 1894,for yourself and two children? A Yes sir.

Q After that, in 1896, did you make application to the Dawes Commission for citizenship in the Choctaw Nation? A I did, and they accepted me as such. The Cherokees refused to enroll me at all; they redlined my name three times because I had married in the Choctaw Nation, and so I gave up all claims to the Cherokee Nation as a citizen.

Q Well, did you make application in 1896 to the Dawes Commission for citizenship in the Cherokee Nation? A No sir, I didn't. I did in the Choctaw Nation.

Q As an intermarried citizen? A. As a citizen of the Choctaw Nation.

Q By intermarriage? A It was just as a citizen; I didn't put any intermarriage in it; it may have been in that way, but I applied as a citizen.

The records of the Commission examined, of cases heard under the Act of Congress of June 10, 1896, on Docket C., page 340, Choctaw case No.838, the entry of Anna E. Smith vs Choctaw Nation; original application filed September 9, 1896, the Answer of the Choctaw Nation was filed, and on December 4,1896, the Commission entered the following judgment: Applicant admitted as an inter-married citizen, provided she is not on the Cherokee rolls.

Q You then claimed your right in 1896 by virtue of your marriage to Freeman R. Smith, as an intermarried citizen of the Choctaw Nation? A Yes sir.

Q You stated in your original application made at that time tha you were a Cherokee by blood? A No sir; I don't know that I did.

Q That is what your application says; you sworn statement? A I may have done it; I don't remember just how the application read I don't remember how it was worded; we never thought of any trouble coming up concerning my Choctaw citizenship, and consequently, I didn't bear it in mind.

In the original application made by Mrs.Smith in 1896, she states as follows: That on the 1st day of October,1891, your applicant was a Cherokee woman, and a resident of the Cherokee Nation, and on said day she was lawfully married to Freeman R.Smith, who was then and is now a recognized member by blood of the Choctaw tribe of Indians.

There is no record of any appeal having been taken by the Choctaw Nation from the judgment rendered in this case by

the Commission, under the Act of Congress of June 10,1896.

Q Your purpose is now coming before the Commission is to -
A I don't understand you.
Q Your purpose is now coming before the Commission is to elect in which one of the two Nations, the Choctaw or the Cherokee, you desire to be finally enrolled, is it? A Yes sir.

The Act of Congress of June 28, 1898, in the twenty-first section thereof, is as follows:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled with the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Q Now, you want to claim, under that provision of law, the right to elect for yourself and children to be finally enrolled as a citizens of the Choctaw Nation? A Yes sir.
Q If the Commission enrolls you and your children upon the final rolls of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval, do you, for yourself and on behalf of your children, relinquish all your right, title and interest in and to the lands, properties and moneys of the Cherokee Nation, as citizens thereof? A I do.
Q Mrs.Smith, when did the Cherokee Nation refuse to enroll you as a citizen? A In 1894.
Q But you drew money in 1894? A Yes sir.
Q Someone must have acknowledged you as a Cherokee citizen?
A Well, the Cherokee Nation didn't acknowledge me at all;they redlined my name several times, and they refused to accept me.
Q Did you draw money in 1883? A I believe - lets see - I believ I did, but that was through one of my relatives.
Q But you drew the money then, didn't you? Relatives drew the money and sent it to me; I was teaching in the Choctaw Nation, at that time.
Q Did you draw any in 1890, the year before you were married?
A Why, I have forgotten the dates; I drew once before we were married, but I have forgotten the dates. No, I don't remember any in 1893.
Q In 1890? A I tried once before we were married, but I have forgotten the dates.
Q Had there been any questions as to your rights as a Cherokee up to the 1894 payment? A No sir.
Q You also drew in the 1894 strip payment? A Yes sir.
Q What rolls did they refuse to put you on? A On the 1894 payment rolls.
Q Your name is on the 1894 rolls? A They refused to put it there.
Q You drew the money? A Yes sir.
Q And your name is on that roll? A Well, they undoubtedly took my name off the third time, I saw it myself, and went to them and asked one of the Counsellors, he says, "Why we are not hunting Cherokees", and I told him I knew they wasn't, but I was hunting them, I spoke those words, and he did too, and they cast the redline across my name, and afterwards a friend of

mine got the money for me someway; I don't know how he managed it; I wasn't there when he did px that part of it.

Q Then, the only rolls of the Cherokees that you are on, is the 1896 Census Roll? A Well, I don't know; they didn't accept my name as a citizen in the 189x payment.

Q Your name is on there? A Well, it might be there; they red-lined it, for I saw them do it myself.

Q If they didn't put your name on there, how did you get this money? A That I can't tell you; I know they refused me.

Q A relative of mine got the money for me.

Q Well, he must have gotten your name back on the roll didn't he? A I don't know; he may have done it; they refused me.

(Witness excused.)

Freeman R. Smith, having been first duly sworn, testified as follows.

Examination by the Commission.

Q What is your name? A Freeman R. Smith.

Q You are the husband of Anna E. Smith? A Yes sir.

Q How old are you? A I am thirty-two years old.

Q You are a citizen of the Choctaw Nation? A Yes sir.

Q By blood? A Yes sir.

Q How did you become a citizen? A I become a citizen - well, now, that has been a good while ago; I don't know whether I can tell that. By an act of Council adopting my as a citizen by blood.

Q When was that?A I couldn't tell you now; I don't - it was when I was a small boy, and I don't remember the way.

Q About how long ago was it? A It has been about eighteen year I have seen the act of the Council.

The Records of the Commission show that Freeman R. Smith w was admitted to citizenship in the Choctaw Nation by act of the Choctaw Council, #28, October 26, 1886 as Freeman Smith.

Q You never had been acknowledged as a citizen of the Choctaw Nation prior to that time? A No sir. Yes, I have been

Q acknowledged; I suppose that my name appears upon the rolls as a Choctaw citizen. I can explain that to you, if you wish it - how it came about. My father moved to this country, and after, his relatives, Captain Stanley, Turner and two or three other of our relatives moved here, and in establishing their rights before the Counci, my father supposed that his right was established at the same time under the same act, and never looked the matter up, supposing that his name and his family appeared upon the Choctaw roll. He was recognized as a Choctaw citizen, and voted and held office, and was on as a Choctaw citizen, and finally there was a dispute came up between him and another Choctaw citizen, and the matter of his enrollment - of his name being on the rolls of the Choctaw Nation, was questioned, and the matter was looked up and he found that his name did not appear; the other members and relatives did; and he immediately went to the next Choctaw Council and applied to be enrolled as a Choctaw by blood, together with his children, and was adopted. That is as near as I can tell; that is the facts in the case.

Anna E. Smith - #6.

Q By the Act of the Council admitting your father, they enrolled your name? A Yes sir.
Q His citizenship was never questioned, but his name did not appear upon the roll as he thought it did? Yes sir.
Q In 1891, you married Anna Wade? A Yes sir.
Q What was she at that time? A What was she?
Q Yes? A She was a school teacher.
Q What tribe of Indians did she belong to? A I suppose the Cherokee tribe; I don't know, I didn't investigate the matter.
Q Was she living in the Cherokee Nation at the time you married her? A No sir; in the Choctaw Nation.
Q How long had she been living there? A Nearly two years, I ~~thi~~ think, something like two years; between one and two years.
Q Has she lived in the Choctaw Nation continuously since you married her? A Yes sir.
Q All of your children been born in the Choctaw Nation? A Yes sir.
Q Has she ever been adoted by the Choctaw Nation as a citizen? A Not by any special act of the Council; she was enrolled as an intermarried citizen in 1896 by the Citizenship Commission.
Q She has been recogni"ed as an intermarried citizen by reason of her marriage to you? A Yes sir.
Q That is the only right she has as a Choctaw citizen? A That is all.
Q No specific act of adoption? A No sir; none by council.

R. S. Streit, having been first duly sworn, upon his oath state s that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in the above cause, and that the foregoing is a full, true and correct copy of his stenographic notes in said case.

R. S. Streit

Subscribed and sworn to before me this 31st day of January, 1901.

Guy L. V. Emerson,

Notary Public.

7-D-494.

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I. T., March 11, 1903.

In the matter of the application of Annie E. Smith for enrollment as an intermarried citizen of the Choctaw Nation.

Annie E. Smith being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Annie E. Smith.
Q How old are you? A Thirty-four.
Q What is your post office address? A Canadian.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you resided in the Choctaw Nation? A Thirteen years.
Q Have you lived here continuously for the past thirteen years? Yes sir.
Q Never made your home outside during that time? A No sir.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q Are you recognized and enrolled by the tribal authorities of the Cherokee Nation as such? A I have been, but I was rejected at our last enrollment on the terms that I was outside of the Nation.
Q Do you also claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom you claim this right? A Freeman R. Smith.
Q Is he a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes sir.
Q When were you married to this man? A In 1891.
Q Where was this marriage ceremony performed? A Canadian.
Q At that time were both you and your husband residents of the Choctaw Nation? A Yes sir, we were.
Q Who performed the marriage ceremony? A Rev. York.
Q Were you ever married previous to your marriage to Mr. Smith? A No sir.
Q Washe ever married previous to his marriage to you? A No sir.
Q Since your marriage have you lived together continuously as husband and wife up to the present time? A We have.
Q There has been no separation of any kind whatsoever? A No siR.
Q Have you got any evidence of your marriage to Freeman R. Smith? A Yes sir.
Q Have you your marriage certificate? A Yes sir; I haven't it with me, but I have it; I have witnesses though.
Q Were you an applicant before this Commission in 1896 for admission to citizenship in the Choctaw Nation? A Yes sir.
Q Did you then apply as an intermarried citizen? A Yes sir.
Q What action was taken at that time by the Commission on your application? A I was accepted.
Q Was your case ever appealed to the United States Court? A It was not.
Q You have already elected to be finally enrolled and take your allotment of land and distribution of money with the Choctaw tribe provided you have that right, have you not? A Yes sir.
Q That election was for yourself and your minor children? A YES sir.

Walter H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Atoka, Indian Ter-

ritory, on the 11th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 30 day of March, 1903.

Charles H Sawyer

Notary Public.

HOLD

7 D-494.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:-:-:0:-:-:-

In the matter of the application for the enrollment of Anna E. Smith as a citizen by intermarriage and of Orlean Smith, Frances Smith and Fulton Smith as citizens by blood of the Choctaw Nation.

------:------

- D E C I S I O N -

It appears from the record herein that Anna E. Smith appeared before the Commission and made application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation and for the enrollment of her minor children, Orlean Smith, Frances Smith and Fulton Smith, as citizens by blood of the Choctaw Nation.

It appears from the evidence submitted in this case and the records in the possession of the Commission that the said Anna E. Smith is a recognized citizen by blood of the Cherokee Nation; that she was lawfully married to Freeman R. Smith, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 13207 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 19, 1903, and that the minor applicants herein are the offsprings of the said union between Anna E. Smith and Freeman R. Smith. The name of the applicant, Anna E. Smith, is identified on the 1896 Choctaw Intermarried Roll, Tobucksy County, number 15042 and the names of the applicants, Orlean and Frances Smith, are identified on the 1896 Choctaw Census Roll, numbers 11286 and 11287, respectively, enrolled as citizens by blood of the said Nation. The applicant Fulton Smith having been born subsequent to the preparation of the 1896 Census Roll, is identified by proper proof of birth which is hereto attached.

It further appears from the record of the Commission that, on September 9, 1896, in the case entitled "Anna E. Smith vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case No. 838), the principal applicant herein made original application to this Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission to citizenship in the Choctaw Nation, claiming her right thereto by virtue of her marriage with the said Freeman R. Smith; and on December 4, 1896 the principal applicant herein was by this Commission admitted "as an intermarried citizen of the Choctaw Nation, provided she is not on Cherokee Rolls" from which decision of the Commission no appeal was taken.

It further appears from the record herein that all of the applicants were residents in good faith of Indian Territory on June 28, 1898, excepting Fulton Smith who was born subsequently thereto, and that the status of the principal applicant has remained unchanged from the date of her said admission in 1896 up to and includ- September 25, 1902.

It further appears from the record herein that on January

30, 1901 the principal applicant appeared before the Commission at its offices in Muskogee, Indian Territory and elected for herself to be enrolled as a citizen by intermarriage of the Choctaw Nation and for her minor children as citizens by blood of the Choctaw Nation in accordance with the provisions of a portion of section 21 of the act of June 28, 1898 (30 Stat., 495).

It is, therefore, the opinion of this Commission that Anna E. Smith should be enrolled as a citizen by intermarriage of the Choctaw Nation and that Orlean Smith, Frances Smith and Fulton Smith should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 29 1904
.

CHOCTAW. 2-4761

IN RE 7 D 494

Application for Enrollment of

INFANT CHILD

Fulton Smith

as a citizen of the

Choctaw Nation.

Approved, [illegible] 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
SEP 10 1900

ACTING CHAIRMAN.

CHOCTAW.

D.-494.

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Fulton Smith (Here insert name of child.), born on the 29 day of July, 1900
Name of Father: Truman R Smith a citizen of the Choctaw Nation.
Name of Mother: Anna E. Smith, a citizen of the Choctaw Nation.
Postoffice, Canadian I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, Anna E Smith, on oath state that I am 31 years of age and a citizen, by Marriage, of the Choctaw Nation; that I am the lawful wife of Truman R Smith, who is a citizen, by Blood, of the Choctaw Nation; that a Male (male or female) child was born to me on the 29th day of July, 1900; that said child has been named Fulton Smith, and is now living.

Anna E. Smith

WITNESSES TO MARK:
(Must be Two Witnesses)
W. M. [illegible]
J. D. Fulton

Subscribed and sworn to before me this 8th *day of* Dec. 1900
C. P. Martin
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, R A R Hallum, a Physician, on oath state that I attended on Mrs. Anna E. Smith, wife of Truman R Smith, on the 29th day of July, 1900; that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named Fulton Smith

R. A. R. Hallum M D

WITNESSES TO MARK:
(Must be Two Witnesses)
C. B. Fullum
Ida Hallum

Subscribed and sworn to before me this 8th *day of* Dec. 1900
C. P. Martin
NOTARY PUBLIC.

Muscogee, Indian Territory,

August 18th, 1900.

Annie E. Smith,

South Canadian, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Orlean and Frances Smith as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-494.

Muskogee, Indian Territory, September 18, 1900.

Annie M. Smith,

South Canadian, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised, is as to your Cherokee blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st., 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your rights to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

T.B.--194

Y-D-694

Muskogee, Indian Territory, December 22, 1902.

Freeman E. Smith,

Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 16, in which you state that your wife, Anna E. Smith, is on the roll as an intermarried citizen of the Choctaw Nation; that your wife is now confined to her bed and it will be impossible for her to appear before the Commission at any of its appointments. You ask if some arrangement could not be made whereby you can establish her status as an intermarried citizen on September 25, 1902, without her personal appearance.

In reply to your letter you are advised that the Commission is now preparing rolls of the citizens and freedmen of the Choctaw and Chickasaw Nations for submission to the Secretary of the Interior in accordance with the act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, and it is necessary to secure the testimony of all intermarried citizens relative to their status as such

intermarried citizens on said date.

You are further advised that it is not absolutely necessary that such personal appearance be made prior to December 25, 1902, but it is desirable that this testimony be secured at the earliest possible date. No further consideration can be given the applications for enrollment by intermarried citizens of said Nations until their testimony has been taken therein.

Respectfully,

Acting Chairman.

Choctaw D-494

Muskogee, Indian Territory, February 26, 1903.

Annie E. Smith,

Canadian, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 15, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Muskogee, I. T., September 11th, 1900.

Freeman R. Smith,

Canadian, Ind. Ter.

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Chester Nation of Fulton Smith, the infant son of Freeman R. and Anna E. Smith, born July 29th, 1900, and the same being in proper form has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

7 - B - 494.

Choctaw 4781
Choctaw D 494.

Muskogee, Indian Territory June 1, 1903.

Freeman R. Smith,

Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23d, in which you ask when the enrollment of your wife and children will be approved by the Secretary of the Interior as you desire to file on their land in order to protect their interests.

In reply to your letter you are informed that it appears from our records that Annie E. Smith and Orlean, Frances and Fulton Smith, wife and children of Freeman R. Smith have been listed among the doubtful claimants to enrollment as citizens of the Choctaw Nation, but their final right to such enrollment has not yet been determined. As soon as a decision is reached in this case they will be notified of the action of the Commission.

You are further informed that if you will furnish a description of the land which you desire to select in allotment for your wife and children proper notation thereof will be made on our records and you will be notified in the event any other person makes application for the same or any portion of it, and you will be permitted to institute contest proceedings.

The matter of the classification of the land described

Choctaw 4781
Choctaw D 494.

by you has been made the subject of another communication.

Respectfully,

Commissioner in Charge.

...mained you will be furnished a copy thereof.

Respectfully,

Choctaw D 494.

Chairman.

Muskogee, Indian Territory, March 18,1903.

P. G. Reuter,

Clerk in Charge Cherokee Land Office,

Vinita, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 14, asking what, if any, disposition has been made of the application for enrollment as a citizen of the Choctaw Nation of Anna Wade, who, you say, is listed on Choctaw card D 494.

In reply to your letter you are informed that it appears from our records that Anna E. Smith, daughter of Stephen F. and B.M. Wade, and her three minor children have been listed on Choctaw card D 494 among the doubtful claimants to enrollment in the Choctaw Nation. It further appears that on January 30, 1901, Anna E. Smith, at the office of the Commission at Muskogee, Indian Territory, elected for herself and her children, Orlean, Frances and Fulton Smith, to be enrolled as citizens of the Choctaw Nation. No decision has yet been rendered in this case, however, and as soon as the same is reached you will be furnished a copy thereof.

Respectfully,

Chairman.

7 D-494.

Muskogee, Indian Territory, October 7, 1903.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

It appears from our records that Annie E. Smith has been listed for enrollment as an intermarried citizen of the Choctaw Nation and her children, Orlean, Frances and Fulton, have been listed for enrollment as citizens by blood of the Choctaw Nation. These names appear on Choctaw roll card, field number D-494.

It also appears from notations on this card that Annie E. Smith (as Anna Wade) appears on the 1880 Cherokee roll, page 923, Tahlequah District, number 2616 and also on the 1894 Cherokee Strip payment roll, Tahlequah District, page 1149, number 2959.

You are requested to advise this office as to whether or not the applicant, Annie E. Smith or any of her children have ever made application or been listed for enrollment as citizens of the Cherokee Nation and if so what disposition has been made of their said application.

Respectfully,

Chairman.

Choctaw D 494

Muskogee, Indian Territory, October 26, 1903.

Freeman R. Smith,

Canadian, Indian Territory,

Dear Sir:

Receipt is herby acknowledged of your letter of October 12, asking what disposition has been made of the application for the enrollment of your wife, Anna E. Smith and your children as citizens of the Choctaw Nation.

In reply to your letter you are informed that the application for the enrollment of your wife, Anna E. Smith as an intermarried citizen of the Choctaw Nation and for the enrollment of your children, Orlean, Frances and Fulton Smith, as citizens by blood of the Choctaw Nation is now receiving the consideration of the Commission, and as soon as a decision is reached you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

COPY. Choctaw D-494

Muskogee, Indian Territory, February 29, 1904.

Anna E. Smith,

Canadian, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 29, 1904, granting the application for enrollment of yourself as a citizen by intermarriage, and of your minor children, Orlean, Frances and Fulton Smith, as citizens by blood, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you and children as citizens of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.
Enc. 7-D494.

Choctaw D-494

Muskogee, Indian Territory, February 29, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 29, 1904, granting the application for the enrollment of Anna E.Smith as a citizen by intermarriage, and Orlean, Frances and Fulton Smith, as citizens by blood, of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner in Charge.

Registered.
Enc.7-D494.

Choctaw 5745

Muskogee, Indian Territory, May 9, 1904.

Anna E. Smith,

Canadian, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 3, asking if you and your three children have been placed upon the final rolls, as you are very anxious to file on your allotments.

In reply to your letteryou are advised that your name has been placed upon a schedule of intermarried citizens of the Choctaw Nation, and the names of your three children, Orlean, Frances and Fulton Smith, have been placed upon a schedule of citizens by blood of said nation, which schedules have been transmitted to the Secretary of the Interior. Pending the approval of your enrollment by the Secretary of the Interior, however, you would not be permitted to make selection of your allotments.

Respectfully,

Chairman.

Choc 5746 Victor M. Locke

5746

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---------O---------

In the matter of the application for the enrollment, as a citizen by intermarriage of the Choctaw Nation, of--

Victor M. Locke ---------- 7 D-524.

D. 5'11

Commission to the Five Civilized Tribes,

Antlers, Indian Territory.

In the matter of the enrollment of V. M. Leeke as an intermarried citizen of the Choctaw Nation; being sworn by Commissioner Needles, he testifies as follows:

Q (By Lewis) You wanted to make a statement in regard to your house getting burned up and all of your papers?

A Yes, my house burned up in 1893, I think about June.

Q Wasn't there a question of your citizenship raised once when you and John Hodges had a difficulty? A Yes sir I think it was June '72, they produced a certified copy of my license from the County, but Judge Parker dismissed it for want of jurisdiction

Q (Tells) In your statement the other day you didn't state when you were married did you? A I was married- got my license February 2, 1871, and I was married on the 7th, 1871, by Judge Cartwright.

Department [illegible] Director,

[illegible]

M. D. Green

Commission to the Five Civilized Tribes,

Antlers, Indian Territory.

In the matter of the enrollment of V. M. Locke as an intermarried citizen of the Choctaw Nation. A. R. Durant being sworn and examined by Commissioner McKennon testifies :

My name is A. R. Durant, I am sixty years of age.

Mr. Locke married a Choctaw by the name of Susan McKinney; He got out a license in Boktuklo County, Choctaw Nation; Alpheus Crosby was the Clerk of the Circuit court at that time, and after Mr. Locke was married he brought his marriage certificate and had it recorded in the District Court.

Q Did you see his license? A Yes sir.

Q And the certificate of marriage? A I saw it on record.

Q You saw the record of it? A Yes sir.

Q You were not present when he took out the license?

A No sir.

Q Nor when he married? A No I didn't see him married.

Q All you know is you saw the record? A Yes sir.

Q In Boktuklo County? A Yes sir, in 1871.

Q What became of that record Judge, do you know? A I don't know sir, after the changes throwed the circuit courts from the counties into one district court I don't know what became of the records of each county; may be in the counties yet , I don't know.

Department of the Interior,
Commission to the Five Civilized Tribes

I hereby certify that the foregoing is a true and correct transcription of my stenographic notes.

M D Green

27-X} v.24

Commission to the Five Civilized Tribes,

Tushkanomma, Indian Territory.

October 11,1899.

In the enrollment of Victor M. Locke as an intermarried Choctaw; Simon J. Peter being sworn and examined by Com'r McKennon testifies as follows:

(Dukes, Interpreter)

Q What is your name? A Simon J. Peter.

Q How old are you? A Fifty-two.

Examined by Choc Com'r Lewis:

Q Ask him if he remembers ever seeing V. M. Locke or Dick Locke's license on the records of Boktuklo County? A Says he remembers seeing it on record.

Q Ask him if he knows who was the clerk when they were issued? A He says that the license was issued by a County Judge by the name of Gaines Anderson, and he says that he saw the license and that Locke taken his wife into Arkansas and married her; says the license was just a small paper, and that Locke married his wife in Arkansas under that license, and brought the license back; says the license authorized any minister of the Gospel or anyone authorized to solemnize marriages to marry Locke and Susan McKinney.

Q Ask him if Susan was a Choctaw? A Yes sir, she was a Choctaw. He says the papers were issued in February, 1871.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

8/25/00

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 6th, 1900.

Supplemental testimony in the matter of the application of Victor M. Locke for enrollment as a citizen of the Choctaw Nation.

John M. Hodges, being sworn by Acting Chairman Bixby, was examined upon behalf of the applicant by Mr. A. Tell, and testified as follows:

Q What is your name? A John M. Hodges.
Q What is your age? A Fifty.
Q Where do you live? A Here in Atoka.
Q Do you know Victor M. Locke? A Yes, sir.
Q Are you a Choctaw by blood? A Yes, sir.
Q Did you know Victor M. Locke's wife, Susan Locke? A Yes, sir.
Q Do you know anything with reference to whether Victor M. Locke, when he married Susan Locke, obtained a license in order to marry her or not? A Yes, sir; he got a license from Alpheus Crosby, clerk of the Boaktokla county, but he didn't marry her there, he married her in Arkansas, but he got his license from the clerk of that county.
Q You investigated to see? A Well, he told me so himself, the clerk did.
Q Did you ever hear mention to that license, what became of it? A It was burned in the records of Boaktokla county some years ago.
Q It is a fact that all these records in Boaktokla county were burned, is it? A Yes, sir; everything burned about them.
Q You lived in that county at that time, did you? A Yes, sir; at the time he married I did.

Witnes s excused.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in this application at the time and place above mentioned and that the foregoing is a co rrect, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of December A. D. 1900.

Acting Ch airman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-524.

Muskogee, Indian Territory, March 4, 1902.

Victor M. Locke,

Antlers, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. NEEDLES,

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Victor M. Locke for enrollment as a citizen of the Choctaw Nation.	D-524.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Victor M. Locke for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 17 day of April, 1902.

Clarence Chadwood
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ANTLERS, I.T. DEC. 4, 1902/

7-D524

In the matter of the application of Victor M. Locke for enrollment as an inter-married citizen of the Choctaw Nation.

Victor M. Locke being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Victor M. Locke.
Q Hw old are you? A About fifty six.
Q What is your post office address? A Antlers.
Q How long have you been a resident of the Choctaw Nation? A I think I came here in March '66.
Q Have you lived here continuously since that time? A Yes sir.
Q Never made your home anywhere else? A Nowhere only in the Choctaw Nation.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw wife through whom you claim these rights? A Susan McKinney.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Were her rights as a citizen ever questioned? A No sir.
Q When were you married to Susan McKinney? A In February, 1871.
Q Where was this marriage ceremony performed? AOn the Arkansas line
Q In Arkansas or the Nation? A Over in the State.
Q Where were you living at that time? A Lukfata, Boktuklo County and Susan in the same County.
Q Did you obtain a Choctaw marriage license? A Yes, from the Clerk of that County; Alfus Crosby.
Q How much did you pay for that license? A I don't remember what it was; $10.00 and $2.50 for Court-- I can't remember.
Q Who performed the marriage ceremony? A A Justice of the Peace I think.
Q How did you happen to go into Arkansas to marry? A Nobody else in the neighborhood.
Q Were you living near the Arkansas line? A Tolerably near; yes.
Q What did you ever do with that license? A I returned the license and it was recorded in Boktuklo County; it was on record there a long time and I understand it was destroyed.
Q Did you ever attempt to get a copy of those records? A Yes, I got a sworn statement of the County Judge at Tushkalomma; and several others their statements as to the license.
Q Were you ever married before your marriage to Susan McKinney? A No sir.
Q Was she ever married before she married you? A No sir.
Q How long did you live with her as her husband? A I think 29 years about.
Q Did she die at the end of that time? A Yes sir.
Q Did you live with her continuously up to the time of her death? A Yes sir.
Q After her death did you re-marry? A No sir.
Q Are you still a single man? A Yes sir.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes sir.

V.M.L.---2

Q Have you ever been recognized or enrolled as an intermarried citizen of the Choctaw Nation by the tribal authorities? A I have always been recognized as a citizen.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on December 4, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 31 day of December 1902.

Charles McDermott

Notary Public.

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7 D-524.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:-:-:O:-:-:-

In the matter of the application for the enrollment of Victor M. Locke as a citizen by intermarriage of the Choctaw Nation.

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- D E C I S I O N -

It appears from the records herein that Victor M. Locke, on February 7, 1871, was married under a Choctaw license, in the state of Arkansas, to Susan McKinney, a recognized and enrolled citizen by blood of the Choctaw Nation and that they lived together continuously in the Choctaw Nation as husband and wife from the date of their said marriage until the death of the said Susan about the year 1900.

On an examination of the tribal rolls of the Choctaw Nation, in the possession of the Commission, the name of Susan Locke (as Susan P. Locke) is identified on the 1885 Choctaw Census Roll, Kiamitia county, number 61 and is identified on the 1893 Choctaw Leased District pay roll, Jacks Fork county, number 486 and is also found on the 1896 Choctaw Census Roll as Susan A. Locke Number 8085.

The name of the applicant (as V. M. Locke) is identified on the 1885 Choctaw Census Roll, Kiamitia county, number 60 and is also identified on the 1896 Intermarried Choctaw Census Roll as number 14791.

It further appears from the evidence herein that at the time of said marriage both parties above mentioned were residents in good faith of the Choctaw Nation and that the applicant has not remarried since the death of the said Susan Locke and has continued to live in said Nation up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Victor M. Locke should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the acts of Congress

approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 29 1904
.

Choctaw D-524

Muskogee, Indian Territory, February 29, 1904.

Victor M. Locke,

Antlers, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 29, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED:

T. B. Needles

Commissioner in Charge.

Registered.
Enc. 7-D524.

Choctaw D-524

Muskogee, Indian Territory, February 29, 1904.

J. M. Sherrad,
Attorney-at-Law,
Antlers, Indian Territory.

Dear Sir:

You are hereby notified that on the 29th day of February, 1904, the Commission to the Five Civilized Tribes rendered a decision granting the application of Victor M. Locke for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner in Charge.

COPY. Choctaw D-524.

Muskogee, Indian Territory, February 29, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 29, 1904, granting the application of Victor M. Locke for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.
Enc.7-D524.

Muskogee, Indian Territory, November 22, 1899.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 15th instant in which you desire to have the Commission include the case of V. M. Locke of Antlers, Indian Territory, who has been listed as an intermarried citizen of the Choctaw Nation, in the list of applicants whose enrollment has been contested by you as representatives of the Nation.

You are informed that the records of this Commission show that Victor M. Locke, 56 years of age, of Antlers Indian Territory, was listed by the Commission on November 15th, 1899, as a doubtful claimant to intermarried citizenship in the Choctaw Nation and his name appears upon our records on Choctaw roll card, field No. D-524.

You also request that you be furnished with a statement in brief of what the records of the Commission show relative to his compliance with the marriage laws of the Choctaw Nation.

There is no evidence of the marriage of Victor M. Locke to Susan McKinney through whom he claims the right to citizenship by intermarriage, in the records of this Commission. At the time he appeared before the Commission as an applicant for enrollment, he testified that in 1893 [redacted] house was burned together with all of

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his papers. That he was married on the 7th day of February, 1871 under a Choctaw license issued the 2nd day of February of that year.

The testimony of A. R. Durant given before the Commission at that time is to the effect that Mr. Locke married a Choctaw woman by the name of Susan McKinney of Boktukle County, Choctaw Nation. That Alfred Crosby was the clerk of the Circuit Court at that time and after Mr. Locke was married he brought his marriage certificate and had it recorded . Mr. Durant testified to having seen the marriage license and as to having seen it upon the records of Boktuele County, but that he neither was present when he took out the license nor when he was married. He further testified that he does not know as to what became of the records of Boktukle County but that after the change was made throwing the Circuit Court from the counties into one District Court, he has no knowledge of what disposition was made of the records of Boktukle County.

Simon J. Peter also testified before the Commission at Tuskahoma, October 11th, 1899, in the matter of the application of Victor M. Locke, and he stated at that time that he remembers seeing on the records of Buktukle County, a copy of the license issued to V. M. Locke. That such license was issued by a County Judge by the name of Gaines Anderson and that Locke took his wife into Arkansas where they were married and afterwards brought the license back to have in recorded in Boktukle County. He states further that the license authorized any minister of the Gospel or any one authorized to solemnize the marriage, to marry V. M. Locke and Susan McKinney.

Yours truly,

Muskogee, Indian Territory, January 8, 1901.

H. C. Nash,

Antlers, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 24th in which you desire information relative to the citizenship of Hugh W. Adams and V. M. Locke and their chances for enrollment if they are not already on the rolls.

You are informed that the records of this Commission show that Hugh W. Adams, 62 years of age, of Atoka, Indian Territory, is listed for enrollment as a citizen of the Choctaw Nation.

The records of the Commission show that Victor M. Locke, 56 years of age, of Antlers, Indian Territory is listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation. On August 18th, 1900, the representatives of the Choctaw and Chickasaw Nations, filed a protest to his final enrollment as a citizen of the Choctaw Nation and at the session of the Commission at Atoka, Indian Territory, on December 6th, 1900, additional testimony was taken in his case. The Commission has as yet taken no definite action in regard to the matter of his application for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-4348
7-D524

Muskogee, Indian Territory, January 15, 1901.

M. C. Nash,

Antlers, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 12th instant relative to the marriage of V. M. Locke and the information contained in your letter has been made a matter of record with this Commission.

Yours truly,

Acting Chairman.

7-D-824

Choctaw D 525
Choctaw D 524

Muskogee, Indian Territory, April 17, 1902.

J. M. Sherrad,

Attorney at Law,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you desire to be advised if Eugene R. Benson, C. R. V. Hamilton and Victor M. Locke, Sr. have been enrolled by this Commission as citizens of the Choctaw Nation.

Replying to your inquiry you are informed that it appears from our records that on August 16, 1899, Eugene R. Benson, 47 years of age, of Utica, Indian Territory, made personal application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation.

It further appears that this applicant was admitted by the Commission to the Five Civilized Tribes as a citizen by intermarriage of the Choctaw Nation under the act of Congress of June 10, 1896.

At the office of the Commission at Muskogee, Indian Territory, on April 8, 1902, this case was called for final consideration and no appearance was made by or on behalf of the applicant or the Choctaw Nation.

J M S 2

The Commission will at as early a date as practicable render its decision relative to the rights of the said Eugene R. Benson to enrollment as a citizen by intermarriage of the Choctaw Nation.

You are further advised that it appears from our records that on November 15, 1899, Victor M. Locke, 56 years of age, of Antlers, Indian Territory, made personal application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are further advised that at the office of the Commission at Muskogee, Indian Territory, on April 14, 1902, this case was called for final consideration and no appearance was made by or on behalf of the applicant or by and on behalf of the Choctaw Nation. The Commission will at as early a date as practicable render its decision relative to the rights of the said Victor M. Locke to enrollment as a citizen of the Choctaw Nation.

You are further advised that it does not appear from our records that any application has ever been made by any person by the name of C. R. V. Hamilton for enrollment as a citizen by blood or intermarriage of either the Choctaw or Chickasaw tribes of Indians in Indian Territory.

Our letter of February 27, 1901, addressed to you, is returned herewith.

Yours truly,

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Acting Chairman.

Choctaw D 524

Muskogee, Indian Territory, July 16, 1902.

W. C. Nash,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you desire to be advised if Monroe Pratt and V. M. Locke are on the Choctaw or Chickasaw rolls.

You are advised that it appears from the records of this office that on May 15, 1899, Monroe Pratt, 29 years of age was listed for enrollment by this Commission as a Choctaw freedman.

It also appears from our records that on November 15, 1899, Victor M. Locke, 56 years of age, of Antlers, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. The Commission has not up to this time rendered a decision in the matter of his application but when such decision is rendered, Mr. Locke will be advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Choc.Freed.632
Choctaw D 624

Muskogee, Indian Territory, July 24, 1902.

W. C. Nash,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, relative to the status of Monroe Pratt and V. M. Locke as citizens of the Choctaw Nation and in which you desire to be further advised as to the exact meaning of the Commission's former letter to you in regard to the citizenship of these two persons.

The statements contained in our letter of July 16, 1902 relative to the citizenship of Monroe Pratt and V. M. Lock, are not in any manner conclusive. You are probably aware that the Commission to the Five Civilized Tribes is now only preparing for submission to the Secretary of the Interior final rolls of the citizens and freedmen of the Choctaw and Chickasaw Nations and we cannot at this time issue any certificates or make any definite statements relative to the final enrollment of any person.

It has been our custom where an applicant presents himself before the Commission and he is properly identified from the tribal rolls or has apparently been married in conformity with the tribal laws, to list him for enrollment. Each of these

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applications will when some date is fixed or agreed upon closing the rolls of the citizens or freedmen of these two tribes, be reviewed and in the event that it is then ascertained that the applicant who has been listed is not entitled to enrollment, his name will not be included in the final rolls.

Monroe Pratt is apparently entitled to enrollment as a Choctaw freedman and as such has been duly listed for enrollment by this Commission but we cannot presume to advise you as to the probability of his final enrollment.

V. M. Locke on November 15, 1899, made application to the Commission to be enrolled as a citi zen by intermarriage of the Choctaw Nation but it will be necessary that we determine his status on the date of the final closing of the rolls of the citizens of the Choctaw Nation before we can render any definite expression as to his right to be finally enrolled.

Of course it is not in our province to render any opinion as to the persons who will be qualified voters at the coming election in the Choctaw and Chickasaw Nations as this is a matter entirely within the jurisdiction of the tribal authorities.

We have the pleasure to forward you herewith six copies of the pending Choctaw-Chickasaw agreement as ratified by the act

H C M S

of Congress approved July 1, 1902.

Yours truly,

Commissioner in Charge.

Enc 6 copies Choctaw-
Chickasaw agreement.

Choctaw D 824

Muskogee, Indian Territory, April 3, 1903.

H. C. Nash,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 28, asking the status of V. M. Locke Sr., of Jackson County, as a citizen of the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that Victor M. Locke, fifty nine years old, of Antlers, Indian Territory, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and his final right to such enrollment has not yet been determined. As soon as a decision is reached in his case he will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Choctaw D 524

Muskogee, IndianTerritory, February 19, 1904.

Mrs. C. E. Archer,

Antlers, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of February 15, asking if further evidence is needed in the case of your father, V. M. Locke, a citizen of the Choctaw Nation.

In reply to your letter you are advised that the application of Victor M. Locke for enrollment as an intermarried citizen of the Choctaw Nation is now receiving the consideration of the Commission and in the event further evidence is necessary he will be notified. As soon as a decision is rendered he will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

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MEMORANDA.

(Date) Nov 15 1899.

5 6 V

Name Victor M. Locke

Choctaw? yes County Jacks Fork Year 96 No. 14791

Chickasaw? ..... County ..... Year ..... Page 373

Citizen by blood? ..... Mother's citizenship U S

Intermarried citizen? yes

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

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..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

1 Own card V. M. Locke

All testimony of general questions as to his marriage.

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D-524

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 6th, 1900.

Supplemental testimony in the matter of the application of Victor M. Locke for enrollment as a citizen of the Choctaw Nation, on card D. 524.

L. A. A. Hodges, being sworn by Acting Chairman Bixby, was examined on behalf of the applicant by Mr. A. Tell, and testified as follows:

Q What is your name? A L. A. A. Hodges.
Q What is your age? A I am in my 70th year.
Q Are you a Choctaw by blood? A Yes, sir.
Q Do you know Victor M.Locke? A Yes, sir; I have known him for years.
Q Please state whether he married a daughter of yours or not? A Yes, sir; he did.
Q What was her name? A Susan Purcilla McKinney.
Q She was a daughter of yours by your former husband, before you married Hodges? A Yes, sir.
Q Was she a Choctaw by blood? A Yes, sir; she is more Choctaw than I am.
Q Now, about what time did Victor M. Locke Marry Susan McKinney? A February, 1871.
Q You can state whether or not he obtained a license for the purpose of marrying Susan. A Yes, sir. Young Hodges had a store and he , that is the clerk, come down there trading and Hodge asked him if Vick got a license, and he said he did.
Q Did you ever see that license? A No, sir; I never, you know. I haven't seen Vick since---well I did see him, but I haven't spoken to him or my daughter either.
Q Then it was for the purpose of finding whether he had been legally married to your daughter that you asked about this man and the license? A Yes, sir. That was all I was interested in, as she was gone. I wanted to know if they were legally married, and he said he gave them the license.
Q Who was that county clerk? A Alpheus Crosby. I don't know whether he was a full blood or not. I have seen him often enough.
Q Then from your investigation of that matter you are satisfied he married her under a license? A Yes, sir.
Q And Obtained legally? A Yes sir, but that is all I know about it, just what he said that he had given them the license.

CROSS-EXAMINATION - - - - - - - - - - By Mr. Bixby.

Q Did he perform the marriage ceremony? A No, sir; I don't know who did that. I did hear that it was some preacher but it has been so long ago I don't remember.

MR. TELL: I think there was testimony on that point at Antlers, that he went over into Arkansas and got a preacher to marry him.

THE WITNESS: No, I didn't have anything more to do with them after they run away.

Witness excused.

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The undersigned, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application given at the time and place above mentioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of December A. D. 1900.

Wm. S. McKinney

Acting Chairman.

Choc 5747 George W. Seeley

5747

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of---

George W. Seeley ---------- 7 D-616.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 13, 1901.

Choc.D-616.

In the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of George W.Seeley, he having been first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A George Whitfield Seeley; that is the full name.
Q How old are you? A Thirty-seven.
Q What is your postoffice address? A. Durant, Indian Territory, Choctaw Nation.
Q How long have you been a resident of the Choctaw Nation? A It will be eight years the 15th day of April.
Q You have maintained a continuous residence in the Choctaw Nation for that time? A Yes sir; I have been teaching Choctaw schools; this makes my eighth year.
Q What is your father's name? A Ralph Seeley.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Mary.
Q Is your mother living? A Yes sir.
Q Your parents are both white persons? A Yes sir.
Q Citizens of the United States? A Yes sir; the State of Maine.
Q Have either of them ever claimed any rights to Indian citizenship by blood? A No sir.
Q Are you a citizen of the United States? A Yes sir.
Q Have you ever made any claim to Indian citizenship by blood? A No sir.
Q You are now making application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Through whom do you claim your right? A Birdie Veach.
Q How old is she? A Nineteen.
Q Do you know what her father's namewas? A Horatio.
Q What was her mother's name? A Sophina, I think.
Q Is she a citizen by blood of the Choctaw Nation?A Yes sir.
Q Been always recognized as such by the tribal authorities? A Yes sir.
Q Been enrolled by this Commission? A I presume she has; I am almost positive.

The records of the Commission examined, and the name of Birdie Veach, eighteen years of age, and the daughter of Horatio and Sophina Veach, of Durant, Indian Territory, is found upon Choctaw Roll Card, field number 3527, having been listed for enrollment as a citizen by blood of the Choctaw Nation, August 17, 1899.

Q Has your wife always been a resident of the Choctaw Nation? A Yes sir.
Q She was such resident when you married her? A Yes sir.
Q What County in the Choctaw Nation? A Blue County.
Q Was you married to her under a Choctaw license? A Yes sir.
Q By whom were you married? A. Parson Dickerson.

G.W.Seeley, #2.

There is offered in evidence, filed and made a part of the record in this case, the marriage license issued by F.E. Folsom, County and Probate Clerk of Blue County, Choctaw Nation to G.W.Seeley, to marry Miss Birtie Veach, dated December 19, 1900; also, the certificate of J.H.Dickerson as to the marriage of G.W.Seeley and Miss Bertie Veach on the 23rd day of December, 1900, said marriage license and certificate being duly recorded January 22, 1901 in the records of Blue County, Choctaw Nation, Volume A, page 313.

Q Were you ever married to this woman before? A No sir.
Q Have you ever been married before? A No sir.
Q The only marriage ceremony that was performed between you and Birdie Veach was under this license? A Yes sir.
Q How much did you pay for this license? A One hundred dollars.
Q Have you ever been recognized, in any manner, as a citizen of the Choctaw Nation? A Only in the capacity of teacher; that is all.
Q Did you ever make application to the Commission in 1896? A No sir
Q Never have been admitted to citizenship, either by the Choctaw tribal authorities, by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.

The decision of the Commission as to your application for enrollment as an intermarried citizen of the Choctaw Nation will be mailed to you sometime in the future to your present postoffice address.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in the above cause, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

R. S. Streit

Subscribed and sworn to before me this 13th day of February, 1901.

Guy L. V. Emerson
Notary Public.

Choctaw D-616

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 17th, 1902.

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In the matter of the application of G. W. Seeley for enrollment as an intermarried citizen of the Choctaw Nation.

G. W. Seeley being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A G. W. Seeley.
Q How old are you? A I was thirty-nine the 7th day of this month.
Q What is your post office address? A Durant.
Q That is in the Choctaw Nation? A Yes sir.
Q How long have you resided in the Choctaw Nation? A Eleven years the 15th day of April.
Q Have you lived here continuously for the past eleven years?
A Yes sir, am employed as a teacher.
Q Never made your home anywhere else? A No sir.
Q During that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir, by marriage.
Q What is the name of your Indian wife through whom you claim those rights? A Birdie Veach.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Her rights have never been questioned? A Never have to my knowledge.
Q When were you married to Birdie Veach? A Two years the 23rd of December.
Q Where did this marriage take place? A Two miles and a half north of Durant, at her father's home.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw laws? A Yes sir.
Q Did you procure a license? A Yes sir, at Caddo.
Q From whom did you get that license? A Cousin of her's; I cant think of that county clerk's name now.
Q How much did you pay for the license? A One hundred dollars.
Q Who performed the marriage ceremony? A Rev. B. D. Dixon, a Presbyterian minister.

Q Were you ever married before your marriage to Birdie Veach?
A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Since this marriage have you been living together as husband and wife? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir. Folsom was the name of that clerk.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of November, 1902, abd that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 26 day of November, 1902.

H. C. Reistee

Notary Public.

INDIAN TERRITORY.

Pine County, Chickasaw Nation. } ss.

I, P. E. Folsom, Clerk of the County court of said county, do hereby certify that the foregoing instrument of writing, dated the 27 day of Dec, 1904, with its Certificate of Authentication, was filed for record in my office the 23 day of Dec, 1904, o'clock M. and duly recorded this 2 day of Jan, 1905, o'clock M., in the records of said County, in Volume A on Pages 313. WITNESS my hand and seal of the county court of said county, at office in Ardmore, the day and year last above mentioned.

P. E. Folsom

Clerk, County Court, Pine County.

THE CHOCTAW NATION,

County of Blue,

To Any Judge of The County or District Court, Regular Licensed or Ordained Minister of the Gospel of the Choctaw Nation, Greeting:

You are hereby auth rized to solemnize the rites of matrimony between Mr. G.W. Seeley and Miss Bertie Veach. Certifying your actions under this license.

Witness my official signature and seal of office at my office in Caddo, this 27 day of Dec A. D. 1900

F.E. Folsom

County and Probate Clerk, Blue Co.

I J.H. Dickerson hereby certify that on the 23 day of Dec. A. D. 1900 I united in marriage Mr. G.W. Seeley and Miss Bertie Veach, the parties above named.

Witness my hand this 23 day of Dec A. D. ~~190~~ 1900.

J. H. Dickerson,

Minister of the Gospel.

7 D-616.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

------O------

In the matter of the application for the enrollment of George W. Seeley as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

---O---

It appears from the record herein that George W. Seeley, on the 23rd day of December 1900, was married in accordance with the laws, customs and usages of the Choctaw Nation, to Birdie Veach, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as Birdie Seeley number 10020 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and that they have lived together continuously in Indian Territory as husband and wife from the date of their said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that George W. Seeley should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 29 1904

Commissioner.

Choctaw D-616

Muskogee, Indian Territory, February 29, 1904.

George W. Seeley,

Durant, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 29, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner in Charge.

Registered.
Enc.7-D616.

COPY. Choctaw D-616

Muskogee, Indian Territory, February 29, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 29, 1904, granting the application of George W. Beeley for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.
Enc.7-D616.

Cloc 5748 Mollie Belle McAlvain

5748

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

------o------

The record herein is in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of MOLLIE BELLE McALVAIN. 7-D-632.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MAY 18, 1901.

In the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of Mollie Belle McAlvain. Mollie Belle McAlvain, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your full name? A Mollie Belle McAlvain.
Q What is your age? A 21.
Q What is your post office address? A Kennady, I. T.
Q How long have you lived in the Indian Territory? A 7 years.
Q Have you lived in the Choctaw Nation that length of time?
A Yes sir.
Q What is your father's name? A Brazeal.
Q Give his full name? A William Brazeal.
Q Is he living? A No sir.
Q Was he a white man? A Yes sir.
Q What is your mother's full name? A Adaline Brazael.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Did either your father or your mother ever claim to be citizens by blood of the Choctaw Nation? A No sir.
Q Are you married? A Yes sir.
Q Who are you married to? A Robert McAlvain.
Q Is he a Choctaw Indian by blood? A Yes sir.
Q Do you know of your own knowledge whether or not he is a recognized citizen of the Choctaw Nation? A Yes sir.
Q Do you know it of your own knowledge? A Yes sir.

The rolls of the Choctaw Nation, now in possession of the Commission examined and the name of Robert McAlvain is found on page 328 of the Choctaw census records for 1896, No.9111.

Q Where were you married? A Kennady.
Q When? A The 18th of February, 1900.
Q Did you procure a marriage license? A Yes sir.
Q Was it a United States license or a Choctaw license?
A United States.
Q Have you the license with you? A Yes sir.
Q Do you desire to offer it in evidence? A Yes sir.

Marriage license, issued by E. J. Fannin, clerk of the United States Court for the Central District of the Indian Territory, at South McAlester, Indian Territory, on the 16th day of February, A. D., 1900, and certificate of marriage certifying that R. L. McAlvain and Mollie Brazael were married on the 18th day of February, 1900, by Rev. W. B. Toney, a minister of the gospel, offered in evidence and made a part of the records in this case.

Q You now want to make application for citizenship in the Choctaw Nation as an intermarried citizen do you? A Yes sir.
Q Through whom do you claim the right to make such application?
A Through my husband, Robert L. McAlvain.
Q Do you know the name of your husband's father? A Yes sir.
Q What is it? A Polk McAlvain.
Q Do you know the name of his mother? A Yes sir.
Q What is her name? A Mary McAlvain.
Q Are they both living? A No sir, his mother is dead.

The name of Robert McAlvain, 20 years old and the son of Polk McAlvain, appears upon Choctaw roll card, field No. 2225, listed for enrollment by the Commission to the Five Civilized Tribes, as a citizen by blood of the Choctaw Nation, June 5, 1899.

———oOo———

Robert McAlvain, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Robert McAlvain.
Q How old are you? A 22 now.
Q What is your post office address? A Cannady, Indian Territory.
Q How long have you lived in the Indian Territory? A I have lived here all my life.
Q Have you been residing in the Indian Territory for the past four years? A Yes sir.
Q Have you maintained a continuous residence for the past four years in the Choctaw Nation? A Yes sir.
Q Are you a recognized citizen of the Choctaw Nation? A Yes sir.
Q Has your citizenship ever been disputed? A No sir.
Q What is your father's name? A Polk McAlvain.
Q What is your mother's name? A Mary McAlvain.
Q Was your father a Choctaw Indian? A Yes sir.
Q Was your mother a Choctaw Indian ? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q When did your mother die? A She died when I was a small boy, I do not remember,
Q You have been enrolled by this Commission? A Yes sir.
Q Where were you enrolled? A I suppose— I do not remember— my father done the work— I suppose it was at Redoak, I don't know.

The decision of the Commission as to your application for enrollment as an intermarried citizen of the Choctaw Nation will be mailed to you at your present post office address.

———oOo———

Kate DeBord, being first duly affirmed, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Kate DeBord

Subscribed and affirmed to before me this 29" day of May, 1901.

J S Dobson

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Choctaw D-632

Muskogee, Indian Territory, March 6, 1902.

Mollie Belle McAlvain,

Kennady, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 15, 1902.

In the matter of the application of Mollie Belle McAlvain for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-632.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Mollie Belle McAlvain for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 18 day of April, 1902.

Clara M. Tidwell

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
WISTER, I.T. Dec.17, 1902.

7-D632

In the matter of the application of Mollie B. McAlvain for enrollment as an inter married citizen of the Choctaw Nation.

Mollie B. McAlvain being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Mollie B. McAlvain.
Q How old are you? A Twenty three.
Q What is your post office address? A Wister.
Q How long have you been a resident of the Choctaw Nation? A Three years the 18th of next February.
Q Have you lived here continuously for the last three years? A Yes sir.
Q Where did you live prior to that? A Mississippi.
Q Do you claim inter married rights in the Choctaw Nation? A Yes sir;I should have said I have been in the Nation nine years.
Q You have livedhere continuously for the past 9 years? A Yes, I forgot a while ago.
Q You never lived anywhere else during that time? A No sir.
Q When did you move here from Mississippi? A Nine years ago.
Q You haven't been back there since that time? A No sir.
Q Do you claim inter married rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A Robert L. McAlvain.
Q Is he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Have his rights as such ever been disputed? A No sir.
Q When and where were you married to Robert L. McAlvain? A 18th of February, 1900.
Q Where was this marriage ceremony performed? A Choctaw Nation.
Q Where abouts in the Choctaw Nation? A Kennedy.
Q At that time were both you and your husband bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A No sir, United States law.
Q Who performed the marriage ceremony? A W.B.Toney.
Q A minister of the Gospel? A Yes sir.
Q Were you ever married before your marriage to this man? A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you livedtogether continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

Henry G. Haines being sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on December 17, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry B. Haines

Subscribed and sworn to before me this 7 day of January, 1903.

Charles H. Sawyer

Notary Public.

No. 741.

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
CENTRAL DISTRICT. } SCT.

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of

Mr. R. L. McElwain and

Miss Mollie Dragert.

was filed in my office in said Territory and District the 20th day of February A. D. 1900 and duly recorded in Book M of Marriage Record, Page 311

WITNESS my hand and seal of said Court, at Ardmore this 22 day of February A. D. 1900

E. J. FANNIN, Clerk.

By J. J. Varner, Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 18 1901

ACTING CHAIRMAN.

MARRIAGE LICENSE.

[redacted]

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
CENTRAL DISTRICT. } ss.

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the BANS OF MATRIMONY between Mr. R. L. McCleary of Kennady, in the Indian Territory, aged 21 years, and Miss Mollie Biagcal of Kennady, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS My hand and official seal, this 16" day of February, A.D. 1900

By C. C. Varner, Deputy.

E. J. Gannon
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT. } ss.

I, W. B. Toney, a Minister of the gospel do hereby CERTIFY, that on the Eighteenth day of February A.D. 1900, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANS OF MATRIMONY between the parties therein named.

Witness my hand this Eighteenth day of February A.D. 1900,

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book "B", Page 204

[redacted]

Rev. W. B. Toney.
a minister of the gospel

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

Comm'R
Gold

7-D-632.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Mollie Belle McAlvain as a citizen by intermarriage of the Choctaw Nation.

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D E C I S I O N .

It appears from the record herein that on the 18th day of February, 1900, Mollie Brazeal was lawfully married to Robert McAlvain, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 6447, upon the lists prepared by this Commission under the act of Congress approved July 1, 1902, (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on January 17, 1903; that at the time of said marriage both persons above named were residents in good faith of the Choctaw Nation, and that they lived together continuously in Indian Territory as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Mollie Belle McAlvain should be enrolled asa citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and June 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

W E Hancock

Commissioner.

Commissioner.

Muskogee, Indian Territory.

FEB 29 1904

Choctaw D-632

Muskogee, Indian Territory, February 29, 1904.

Mollie Belle McAlvain,

Kennady, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 29, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.
Enc.7-D632.

COPY. Choctaw D-632

Muskogee, Indian Territory, February 29, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 29, 1904, granting the application of Mollie Belle McAlvain for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If, at the expiration of that time, no protest has been received, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.
Enc.7-D632.

Choc 5749 Edward Simpson

5749

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Edward Simpson as an intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Edward Simpson.

Q How old are you? A Fifty-seven.

Q You present here a license, dated September 24th 1898, issued by the County and Probate Judge of Pickens County, Chickasaw Nation, and a certificate of marriage dated October 13th 1898, to marry Mrs. E. H. Brummell, were you married to her before this?

A Yes sir.

Q Under the United States law? A Yes sir.

Q Where? A At Hewett.

Q This was a second marriage? A Yes sir.

Q You were not divorced from her? A No sir.

Q Nor separated from her? A No sir.

Q Her name then was really Simpson when you married her the last time? A Yes sir.

[illegible] of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Choctaw D-362.

Muskogee, Indian Territory, March 1, 1902.

Edward Simpson,
Marlow, Indian Territory

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles,
Commissioner in Charge.

Register.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Edward Simpson for enrollment as an intermarried citizen of the Choctaw Nation. ---D 362---

On the first day of Maroh, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Edward Simpson for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called failed to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submits this case upon the record.

--oOo---

Harry C Risteen, being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Antlers, I. T., December 2nd, 1902.

Choctaw D-362
Intermarried

---------oOo---------

In the matter of the application of Edward Simpson for enrollment as an intermarried citizen of the Choctaw Nation.

Edward Simpson being first duly sworn testified as follows:

Examination by the Commission:

Q Your name is Edward Simpson? A Yes sir.
Q How old are you? A Fifty-eight years old.
Q What is your post office address? A Antlers.
Q How long have you been a resident of the Choctaw Nation?
A Been in the Choctaw Nation about a year; been in the Chickasaw Nation thirty.
Q Have you lived in the Choctaw and Chickasaw Nations continuously for the past thirty-one years? A About thirty, yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw wife through whom you claim?
A E. H. Brumett.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Always has been.
Q Have her rights ever been disputed? A No sir.
Q When were you married to this woman? A About six years ago.
Q Where was this marriage ceremony performed? A Chickasaw Nation.
Q At that time were both you and she living in the Chickasaw Nation? A Yes sir.
Q Were you married in accordance with the Chickasaw tribal law?
A Yes sir.
Q Did you obtain a tribal license? A Yes sir.
Q How much did you pay for that license? A $50.
Q Who performed the marriage ceremony? A Armstrong, preacher in Ardmore.
Q Is that the only time you were ever married to that woman?
A No sir, we had been married about six months before that.
Q Was the first marriage under the United States law? A Yes sir.
Q Then you afterwards remarried the same woman under the Choctaw law? A Yes sir.
Q What was the purpose of this second marriage? A When you fellow first came around they told us we couldn't get no license down there.
Q You afterwards remarried in order to comply with the tribal law?
A Yes sir.
Q Was there any separation between these two marriages?
A No sir.

Edward Simpson----2

Q Were you ever married before your marriage to this woman?
A Yes sir.
Q How many times? A Once.
Q What was the name of your first wife? A Name was Haskell.
Q Full name please? A Martha Haskell.
Q Was she a white woman? A Yes sir.
Q How long did you live with her? A Lived with her about twenty-six years.
Q Until her death? A Yes sir.
Q She was dead at the time of your marriage to this Indian woman?
A Yes sir.
Q Was Mrs. E. H. Brumett ever married before her marriage to you?
A Yes sir.
Q How many times? A Twice.
Q Do you know the names of her former husbands? A First man was named Dillon.
Q Was he dead at the time of your marriage to her? A Yes sir.
Q What was the name of the second husband? A Brumett.
Q Was he also dead at the time of your marriage to her? A No sir, they separated.
Q Were they divorced? A Yes sir.
Q Where was this divorce granted? A Granted at Tishomingo.
Q In the tribal courts? A Yes sir.
Q Have you got any evidence of that divorce? A She's got the divorce.
Q Since your marriage to this woman have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

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Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 2nd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20 day of January, 1903.

Charles W. Sawyer

Notary Public.

To all whom these presents may come greeting.

Know ye that I. B. F. Kemp Judge of the Dist-Court of the Chickasaw Nation. By virtue of authority in me vested as Judge of said court do hereby grant and decree a decree of divorcement to Mrs E. N. Brummett dissolving the marriage relations between her & her husband Wilburn Brummett according to the verdict of the jury trying the case.

Given under my hand & official signature and the seal of the court affixed this the 21st day of Nov. 1894

B. F. Kemp
Judge of Dist-Court
C. N.

Attest
A. L. McKinney
Clerk Court

Chickasaw Nation }
County of Pickens }

To any Judge
of the County or District Courts
Ordained Minister of the Gospel in
and for said County of Pickens Greeting:
You are hereby authorized
to Solemnize the Rites of Matrimony
Between Mr. Ed Simpson, a citizen of the United States
and Mrs E. H. Brunnett. and Make
due Return to the Judge of the County
Court within Thirty days thereafter
certifying your action under this
License.

Witness my Official Signature
and seal of Office. Pickens County
Court House. This 24 day of Sept 1898

Seal

County & Probate Judge
P. C. C. N.

I hereby certify that on the 12 day of October 1898
I united in Marriage Ed Simpson and Mrs E. H. Brunnett
the parties above named [illegible]
[illegible] Witness my hand this 12 day October 1898
[illegible]

Filed for Record 21 day of Oct 1898 Thos Pratt
Recorded 21 day of Oct 1898 Clerk
P. C. N. C.

7 D-362.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Edward Simpson as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that Edward Simpson, on October 13, 1898, was married in accordance with the laws, customs and usages of the Chickasaw Nation to, E. H. Brumett, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as Elizabeth H. Simpson number 10973 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on February 4, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they have lived together continuously in Indian Territory as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Edward Simpson should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 27 1904

Muscogee, Indian Territory,

August 18th, 1900.

Edward Simpson

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly;

Acting Chairman.

7-D-182.

Muskogee, Indian Territory, September 10, 1900.

Edward Simpson,

Harlow, Indian Territory.

Dear Sir:-

Since notifying you on August 15, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-162

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Choctaw D-362.

Muskogee, Indian Territory, March 1, 1902.

Edward Simpson,

Marlow, Indian Territory

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register. Commissioner in Charge.

7-D-362.

Muskogee, Indian Territory, May 1, 1903.

Edward Simpson,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 25th, enclosing certified copy of the decree of divorce between E.H. and William Brummett, November 21, 1894, which you offer in support of your application for enrollment as an intermarried citizen of the Choctaw Nation.

The same has been filed with the record in your case.

Respectfully,

Chairman.

T D 362

Muskogee, Indian Territory, February 20, 1903.

Edward Simpson,

Antlers, Indian Territory.

Dear Sir:

It appears from the records of this Commission that you are an applicant before the Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming your rights thereto by reason of your marriage on October 13, 1898, to Elizabeth H. Simpson, a recognized and enrolled citizen of the Choctaw Nation. It is further shown from your testimony in support of your said application that the said Elizabeth H. Simpson was married prior to her marriage to you to a man by the name of Brumett, from whom she had been separated, and who was still living at the time of your marriage.

It will be necessary for you to supply the Commission with proper evidence of the divorce of your said wife from her former husband, which evidence should consist of the original or a certified copy of the decree of the Court in which said divorce was granted. You are requested to attend to the matter at your earliest convenience, as nothing further can be done in the matter of your application until said evidence has been supplied the Commission.

Respectfully,

7-D-362

Muskogee, Indian Territory, August 12, 1903.

Edward Simpson,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 7, asking if intermarried citizens will receive notice before they will be permitted to file.

In reply to your letter you are informed that it appears from our records that you have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and your final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Relative to the selection of your allotment at this time your attention is invited to section 15 of the rules and regulations governing the selection of allotments and the designation of home-

steads in the Choctaw and Chickasaw Nations, a copy of which is herewith inclosed you.

Respectfully,

Commissioner in Charge.

Choctaw D 362

Muskogee, Indian Territory, August 20, 1903.

Edward Simpson,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 16, asking why your name is among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and also requesting to be informed if the certified copy of the decree of divorce between your wife and her former husband has been received as you say you have not been advised of its receipt.

In reply to your letter you are informed that it appears from our records that at the time you made application to this Commission on August 24, 1899, for enrollment as an intermarried citizen of the Choctaw Nation you were listed among the doubtfu l claimants to such enrollment, and your final rights as an intermarried citizen of the Choctaw Nation have not yet been determined. As soon as a decision is reached in your case you will be notified of the action of the Commission.

You are advised that it appears from our records that certified copy of the decree of divorce between E. E. and William Brummett, of November 21, 1894, was submitted in support of your application, and on that date receipt of same was acknowledged to you.

Respectfully,

Commissioner in Charge.

Choctaw No. D-362

Muskogee, Indian Territory, February 27, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered February 27, 1904, granting the application of Edward Simpson for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling said Edward Simpson as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles

Commissioner in Charge.

Registered.
Enc. 7-D-362

Choctaw No. D-362

Muskogee, Indian Territory, February 27, 1904.

Edward Simpson,

Antlers, Indian Territory.

Dear Sir:

Enclosed herew ith you will find a copy of the decision of the Commission, rendered February 27, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.
Enc. 7-D-362

7-3749

Muskogee, Indian Territory, March 30, 1904.

Edward Simpson,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th inst., stating that you have changed your postoffice address from Antlers, Indian Territory, to Caddo, Indian Territory.

You are advised that the change has been made a matter of record.

Respectfully,

Commissioner in Charge.

7-5749

Muskogee, Indian Territory, March 30, 1904.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

Referring to original Choctaw enrollment card, number 5749, Edward Simpson, and to the duplicate thereof in your possession, you are hereby requested to place the following notation on line 18 on said duplicate:

"P.O. Caddo, Ind. Ter. March 30, 1904."

Respectfully,

Commissioner in Charge.

Choc 5750 William H. Hamilton

Q545

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:-:O:-:-

In the matter of the application for the enrollment, as a citizen by intermarriage of the Choctaw Nation, of--

William H. Hamilton ---------- 7 D-383.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of William H. Hamilton as an intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A William H. Hamilton.

Q How old are you? A Thirty-nine.

Q You present here a license dated August 18th, 1899, issued by the County Judge of Tishomingo County, Chickasaw Nation, also a marriage certificate of the same date; was this the first time you married this woman? A No sir.

Q You married her before? A Yes sir.

Q Under the United States laws? A Yes sir.

Q When? A In 1896.

Q Then this was a second marriage? A Yes sir.

Q Were you separated or divorced from her? A No sir.

Q When you married her the last time her name was Mamie Hamilton instead of Taylor? A Yes sir.

Q She was your wife? A Yes sir.

Questioned by Chickasaw Att'y Cornish:

Q Where is your home? A My post-office is Emmett, Tishomingo County, Chickasaw Nation.

Q How long have you lived in Tishomingo County?

A Six years.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Choctaw D-383.

Muskogee, Indian Territory, March 1, 1902.

William H. Hamilton,

Ruet, Indian Territory.

You are hereby notified that the application of Yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

In the matter of the application of William H. Hamilton for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-383.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of William H. Hamilton for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 11th day of April, 1902.

Clarence Tillotson

Notary Public.

Choctaw D-383
Intermarried

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 19th, 1902.

---------oOo---------

In the matter of the application of William H. Hamilton for enrollment as an intermarried citizen of the Choctaw Nation.

William H. Hamilton being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A William H. Hamilton.
Q How old are you? A Forty-two.
Q What is your post office address? A Bee.
Q How do you spell that? A Just B e e.
Q B e e? A Yes sir.
Q What Nation is that in? A In the Chickasaw.
Q How long have you been a resident of the Chickasaw Nation?
A Well sir, I couldn't hardly tell you how long I have been there.
Q About how long? A Why right at twenty-two years.
Q Have you lived there continuously for that length of time?
A Not exactly; there was one year that I was in Texas, and about four years that I was in Washington Territory.
Q When was that? A That was in '88; went there in the spring of '88.
Q In Washington? A In Washington, yes sir, and came back in '91 or 2.
Q Since then you have lived continuously in the Territory?
A Yes sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of Your Indian wife through whom you claim these rights? A Maiden name was Mamie Taylor.
Q Is she a recognized citizen of the Choctaw Nation? A Yes sir.
Q Have her rights ever been disputed? A No sir.
Q When were you married to Mamie Taylor? A '96 the first time; married twice; married over.
Q Where was this first marriage ceremony performed? A At Mr. Taylor's at Bee.
Q In the Chickasaw Nation? A Yes sir.
Q Under what law were you married the first time? A Under the United States.
Q Procured a United States license? A Yes sir.
Q Afterwards you remarried the same woman? A Yes sir.
Q What was the date of this second marriage? A I couldn't tell you exactly.
Q About how long after the first? A Something near two or three years; something like that; I don't know exactly.

Q The second marriage was under the Chickasaw law? A Yes sir.
Q Both you and your wife were residents of the Chickasaw Nation at that time? A Yes sir.
Q From whom did you procure your license? A From Judge Harkins.
Q Of what county? A Pickens county.
Q How much did you pay for that license? A Fifty dollars.
Q Who performed the marriage ceremony--the second one?
A Judge Harkins.
Q Is that Scott Hawkins? A Yes sir, I think that was his name.
Q You called him Harkins? A I thought that was his name.
Q At the time of this marriage you were living in Tishomingo county at Bee? A Yes sir.
Q You procured your license from Scott Hawkins? A Yes sir.
Q Were you ever married before your marriage to Mamie Taylor?
A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Since your first marriage to her in 1895 have you lived together continuously as husband and wife? A Yes sir.
Q There has been no separation, abandonment or divorce?
A No sir.
Q Are you at present living together as bona fide residents of the Chickasaw Nation? A Yes sir.

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Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Divilized Tribes he reported the proceedings had in the above entitled cause on the 19th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 13th day of December, 1902.

H. C. Thatcher
Notary Public.

LICENSE.

Nebo, I. T. Aug. 18 1899

Office of County and Probate Judge of Tishomingo County. Chickasaw Nation.

I, Scott Hawkins, County and Probate Judge of Tishomingo County, Chickasaw Nation, in the name and by the authority of law in me vested do this day issue license to Mr. Wm H Hamilton, a citizen of the United States To Marry Miss Mamie Taylor, a citizen of the Chickasaw Nation In accordance with the requirements of law in relation to marriages.

Given Under My Hand and Seal of Office, this, the 18 day of Aug, 1899.

Scott Hawkins - Judge.

Recorded on Page 224 in Book 3. This the 18th day of August 1899.

Edward Turner
Clerk of C. & C. N.

County and Probate Judge of Tishomingo County, C. N.

Certificate of Marriage.

This Is To Certify That Mr. Wm H Hamilton and Miss Mamie Taylor, Were Joined Together In The Holy Bonds of Matrimony On This, The 18 day of Aug, 1899.

Given Under My Hand and Seal of Office, this, the 18 day of Aug, 1899.

Scott Hawkins — Judge.

Recorded on Page 274 in Book 3. this the 18 day of August 1899 of County and Probate Judge of Tishomingo County, C. N.

Edward Turner Clerk of C.C.C.H.

Chm R
D 62

7 D-383.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-o: o-o: o-o: o-

In the matter of the application for the enrollment of William H. Hamilton as a citizen by intermarriage of the Choctaw Nation.

:-O-:

- D E C I S I O N -

It appears from the records herein that William H. Hamilton on the 18th day of August 1899 was married, in accordance with the laws, customs and usages of the Chickasaw Nation, to Mamie Taylor, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as Mamie Hamilton number 11139 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on March 10, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation and that they had lived together continuously in Indian Territory as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that William H. Hamilton should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 27 1904

Choctaw No. D-383

Muskogee, Indian Territory, February 27, 1904.

William H. Hamilton,

Bee, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered February 27, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.
Enc. 7-D-383

Choctaw No. D-[illegible]

Muskogee, Indian Territory, February 27, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered February 27, 1904, granting the application of William H. Hamilton for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said William H. Hamilton as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

[illegible]

Commissioner in Charge.

Registered.
Enc. 7-D-383

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

William H. Hamilton,

Emit, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tams Bixby

Acting Chairman.

7-D-383.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1900.

William H. Hamilton,

Emit, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Tams Bixby

Acting Chairman.

7-D-383

7-D383
7-3977

Muskogee, Indian Territory, September 21, 1903.

W. W. Hamilton,

Bee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, requesting to be advised relative to your rights as an intermarried citizen of the Choctaw Nation. You request also to be advised whether or not the names of your wife and children are on the roll, stating their names to be Mamie, Fayn, Lorena and Lourel Hamilton.

You are advised it appears from our records that William H. Hamilton of Bee, Indian Territory, forty-two years of age, husband of Mamie Hamilton, ~~a citizen by blood of the Choctaw Nation, is listed as a doubtful claimant to~~ is an applicant to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, but no decision relative to his final right to enrollment has yet been rendered by the Commission.

You are further advised it appears from our records that Mamie Hamilton and her minor children, Alonzo F., Lorena H. and Lora Williams Hamilton, have been enrolled as citizens by blood of the Choctaw Nation by this Commission and their enrollment as such approved by the Secretary of the Interior, March 10, 1903.

Our records show that the husband of Mamie Hamilton and father of the children named herein is William H. Hamilton. If you are the husband of Mamie Hamilton and father of the children named herein and are the identical person who appeared before the Commission at Atoka, Indian Territory, November 19, 1902, and gave testimony relative to your status as an intermarried citizen of the Cheetaw Nation on September 25, 1902, you are requested to state why you now sign your name W. W. Hamilton.

Respectfully,

Chairman.

File with 7-D 383 COPY

Bee, I. T. Oct. 28-03.

Commission to Five Civilized Tribes,

Muskogee, Ind. Ter.

Sirs:-

Replying to your letter of recent date asking if I am the person whose name appears on your roll, of Inter-married Choctaws, as William H. Hamilton and why I now sign my name as Wm W. Hamilton:-

In reply thereto, I assure you that I am the same person. The last time I appeared before the Commission at Atoka I. T. in September, 1902, I noticed that your record showed my name to be William H. Hamilton instead of William Washington Hamilton and I then called attention to the fact and was of the impression that the change had been made. I am sure that I gave my name to the Commission as William Washington Hamilton.

Respectfully,

(SIGNED) William W. Hamilton.

7-D 383

Muskogee, Indian Territory, November 7, 1903.

W. W. Hamilton,

Emet, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 28, in which you state that you are the person who appears upon the records of the Commission as an intermarried citizen of the Choctaw Nation under the name William H. Hamilton and that your name is William Washington Hamilton, and that the last time you were before the Commission you noticed that your name appeared as William H. Hamilton and at that time called attention to the fact that this was an error, as your name was William Washington Hamilton.

Respectfully,

Chairman.

Choc 5751 Earnest Carroll

Trans from Choc D 372 mar 18, 1904

5751

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

LAURA L. CARROLL.

7-5751.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Earnest Carroll for the enrollment of himself and his two minor children, Elanor and Stanton B. Carroll, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Laura L. Carroll, as an intermarried citizen of the Choctaw Nation. ---D 372---

On the 1st day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Earnest Carroll, Laura L. Carroll, Elanor Carroll, and Stanton B. Carroll for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

The principal applicant, Earnest Carroll, in person, and by his attorneys, J.G.Ralls and A. Telle. : Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

Earnest Carroll, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Earnest Carroll.
Q What is your post office address? A Gaddo, Indian Territory.
Q How old are you? A Twenty three the third day of June.
Q Third of this coming June? A Yes sir.
Q What was your father's name? A George Carroll.
Q Was he a Choctaw or United States citizen? A United States citizen.
Q Is he living? A No sir.
Q What was your mother's name? A Elizabeth Carroll.
Q What was her maiden name? A Nail.
Q How long has your father been dead? A Fourteen years.
Q Is your mother still living? A Yes sir.
Q Has she married since your father's death? A Yes sir.
Q What is her name now? A Elizabeth Booker.
Q Do they call her Lizzie most of the time? A Yes sir.
Q What county in the Choctaw Nation does your mother belong to ?
A Blue county.
Q What county in the Choctaw Nation do you belong to? A Blue county
Q Are you married? A Yes sir.
Q What is your wife's name? A Laura L. Carroll.

Q Is your wife a Choctaw or w white woman? A White woman.
Q What was her father's name? A B. F. Bryant.
Q Was his name Frank? A Yes sir.
Q What is her mother's name? A Ellen Bryant.
Q Who made the application in 1899 to the Commission for yourself and wife? A Judge Rapollee.
Q Didn't you go before the Commission? A Yes sir, I was there.
Q Who gave in the names of your wife's parents? A I did.
Q Yougave in the names of your wife's father and mother to the Commission at Caddo? A Yes sir.
Q Did you give their names in as Brown? A No sir, Bryant.
Q You are sure the name is Bryant and not Brown? A Yes sir.
Q And if the Commission has it Brown on its record it is a mistake and should be Bryant? A Yes sir.
Q How old is your wife? A Twenty one last March.
Q When were you married to her? A Three years ago.

(Marriage certificate on file with papers in this case)

Q Have you any children? A Two.
Q What is the oldest one's name? A Elanora.
Q How old did you say she was? A She is about fifteen months old.
Q What is the youngest one's name? A Stanton B. Carroll.
Q How old is Stanton? A Three months old the tenth of this month

Examination by Mr Ralls:

Q In regard to the correct name of your oldest child--is it a double name, Ella Nora? A No sir.
Q It is spelled E-l-a-n-o-r-a? A I don't know the correct spelling.
Q You and your wife are still living together? A Yes sir.
Q And these children are living with you? A Yes sir.
Q You were placed upon the Leased District Pay Roll in 1893 and drew your Leased District money? A Yes sir.
Q What county did you live in then? A Blue County.
Q Where did your mother live then? A Blue county
Q What was her name at that time? A Carroll at that time.
Q You were born here inthe Choctaw Nation? A No sir, in Texas.
Q How long have you lived in the Choctaw Nation? A Twelve years last Christmas.
Q Were you enrolled by the Choctaw Commissioners in 1896? A Yes sir.
Q Your mother is here today, is she? A Yes sir.
Q What relation are you to William Buckholts? A I don't hardly know, cousin , I reckon.

(Reference is made to 1893 Leased District Pay Roll, Blue County Choctaw Nation, where the name of this applicant appears, page 121, Number 112.)

(Applicant excused)

Elizabeth Booker, called as a witness, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Elizabeth Booker.

Q Where do you live ? A Caddo, Choctaw Natiàn.
Q How old are you? A Forty.
Q Do you know the applicant, Earnest Carroll? A I do.
Q What relation are you to him? A I am his mother.
Q Who was his father? A George Carroll.
Q He is dead? A Yes sir.
Q You claim to be a citizen by blood of the Choctaw Nation? A I do.
Q What degree of Indian blood have you? A I don't know sir.
Q Whom do you claim Choctaw blood through? A My grandmother.
Q What was her name? A Her name was Null, I don't know her given name
Q Did she ever reside in the Choctaw Nation? A No sir.
Q How long have you lived in the Choctaw Nation? A Twelve years.
Q Where did you come from? A Texas.
Q Born and raised in Texas? A Yes sir.
Q What was your father's name? A James Null.
Q And your mother's name? A Martha Thorn was her maiden name.
Q Your grandmother's name was Null, you say, and you claim your blood directly through your father? A Yes sir.
Q Did your father ever live in the Choctaw Nation? A I think he did, I don't know.

Examination by Mr Ralls:

Q Your grandmother's maiden name was Buckholts? A Yes sir
Q And she was a daughter of Betsey Buckholts? A Yes sir.
Q And a sister of Mr William Buckholts who is here? A Yes sir.
Q You were placed on the leased district pay roll in 1893 and drew your leased district money for yourself and children, did you? A Yes sir.
Q Were you before the Choctaw Commissioners in 1893 to be placed on the census roll? A Yes sir.
Q Do you know whetheror not they enrolled you? A I think they did.
Q You and your children? A Yes sir.
Q In what county? A Blue County.
Q You were residing here in 1893 and ever since? A Yes sir.
Q Your son is married? A Yes sir.
Q Has two children? A Yes sir.
Q They live in Blue county? A Yes sir.

Examination by the Commission:

Q Have you made application to the Commission for enrollment? A No, I just came with my son.
Q Did you go before the Commission at any time before this and apply for enrollment? A Yes sir, at Caddo.
Q Did they list you for enrollment? A Yes sir.
Q Do you know what kind of a card they put you on? A Blue card.

(Reference is made to Choctaw Roll Card No.3607, where this witness together with her five minor children are listed for enrollment.)

Mr RALLS: We request that the evidence in the James M. Buckholts, et al., case, No.D357, be considered as evidence in this case so far as competent.

(Witness Excused)

William Buckholts, called as a witness, being first duly sworn, testifies as follows:

Examination by the Commission:

Q What is your name? A William Buckholts.
Q Where do you live? A I live now at Wapamucka.
Q How old are you? A I was eighty four the 5th day of last January.
Q Are you a Choctaw citizen? A Yes sir.
Q Recognized as such? A Yes sir.
Q How l ong have you lived in the Choctaw Nation? A I moved here the first day of March, 1872, and have been here ever since.

Examination by Mr Ralls:

Q Where were you born? A I was born in Amite County, Mississippi, adjoining the Louisiana line.
Q Was your mother a Choctaw or do you get your blood from your father? A Get it from my mother.
Q What was her name? A Elizabeth Brashears -- a daughter of Zadock Brashears.
Q Did she go by the name of Elizabeth or Betsey? A My grandfather had no learning at all and he always called her Betsey and enrolled her as Betsey.
Q Where did he enroll her? A He enrolled her to take the five years stay under the fourteenth article.
Q Under the fourteenth article of the treaty of 1830? A Yes sir.
Q Is she the same person who is mentioned on page 689 of Volume 8, American State Papers as Betsey Buckles? A I don't know whether I can testify to that or not; I know her name is on the roll; I have read it in books.
Q Did she get land there under that article? A Yes sir.
Q How much land did she get? A She got four sections and a quarter
Q How many children did she have at that time when she was enrolled? A She had one little bot after the treaty, and with that one she had nine living.
Q Then at the time of the treaty she had eight children living, and one was born after the treaty? A Yes sir, she had eight living and one born after the treaty.
Q You lived there on that land in Mississippi after it was given to her? A Yes sir, lived there intil 1842.
Q Did you ever see the patent to the land? A Yes sir
Q Do you remember the numbers of any of the sections of the land? A Yes sir.
Q Can you give us some of them? A Mother lived on the north fractional section fifteen, Twp.17, Range 1 East, occasioned by the Sucarnocchee river; she got that as a half section, and I think there was three hundred and seventy or threehundred and eighty acres in it. She got the

south west quarter of Section 10, same township and range, which adjoined this fractional section, and the north east quarter of the same section (10); then she got all of section two, same township and range; and I am satisfied almost that she got the south one half of Section 3, same township and range; I think she got the whole of Section 34, Twp.18, Range 1 East, and a quarter of a section out of Section 35, in twp 18. That is all I can bring to mind at present and I think that includes it all.

Q Do you know this a pplicant, Earnest Carroll? A Yes sir.
Q What relation is he to you? A His mother Lizzie is a granddaughter of sister Sarah Buckholts who married John Null, my oldest sister.
Q Your oldest sister marriedJohn Null, a white man? A Yes sir.
Q And this boy is a descendant of that sister of yours? A Yes sir.
Q You were admitted by decision of the Supreme Court of the Choctaw Nation as a citizen here in 1872? A Yes sir.
Q Was John Null admitted in the same judgment? A Yes sir.
Q And R. T. Jones? A Yes sir, and I wanted the children's names put in it, but the Chief Justice, Garvin, said "There is no use in it; if we recognize you old heads that includes all your descendants."

Examination by Mr Cornish:

Q Is the John Null now living the John Null who was admitted with you?
A No sir, the John Null who was admitted with me is dead.

Examination by Mr Ralls:

Q John Null who is now living is a son of the John Null who was admitted,and a son of your sister? A Yes sir

By MR RALLS: We desire the Commission to refer to page 689 of Volume 8, American State Papers, where the name of Betsey Buckles will be found, with five children over ten, and three children under ten, located on Tombigbee river. Land entered August 17, 1831.

Q (By Mr Ralls): Q R. T. Jones is a white man? A Yes sir.
Q He is still living? A Yes sir.
Q Did he marry a daughter of yours? A Yes sir, he married my oldest daughter.

(Witness Excused)

Harry C Risteen being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902 , and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 10th day of April, 1902.

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-372.

Muskogee, Indian Territory, March 1, 1902.

Earnest Carroll,

Caddo, Indian Territory.

You are hereby notified that the application of yourself and your wife, Laura L., and your minor children, Eleanor and Stanton B. Carroll for enrollment as citizens of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

7837

No. 323

CERTIFICATE OF RECORD OF MARRIAGES

UNITED STATES OF AMERICA
The Indian Territory
CENTRAL DISTRICT } SCT.

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid.

DO HEREBY CERTIFY that the License for and Certificate of the Marriage of

Mr. Geo E Carroll and

Miss Laura L Bryant

were filed in my office in said Territory and District the 7 day of Nov A. D., 189 8 and duly recorded in Book 1 of Marriage Record page 162

WITNESS my hand and seal of said Court, at Eufaula this 7 day of Nov A. D., 189 8

By D N Robb E. J. FANNIN, Clerk.
Deputy

[redacted]

Marriage License

UNITED STATES OF AMERICA
The Indian Territory
Central District
} SS.

To Any Person Authorized By Law to Solemnize Marriage—Greeting.

You are hereby commanded to solemnize the Rite and publish the Bans of Matrimony between Mr George E Carroll of Caddo in the Indian Territory, aged — 19 — years, and Miss Laura L Bryant of Caddo in the Indian Territory, aged — 17 — years, according to law and do you officially sign and return this License to the parties therein named.

WITNESS My hand and Official Seal, this 1st day of Nov. A. D. 1898

E J Fannin
Clerk of the U. S. Court

D A Robb
Deputy

CERTIFICATE OF MARRIAGE

[redacted]

UNITED STATES OF AMERICA
Indian Territory
Central District
} SS.

I, W H Dewees a Minister of the Gospel

DO HEREBY CERTIFY, That on the Sixth (6) day of Nov — A. D. 1898, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 6 day of Nov A. D. 1898

My credentials are recorded in the office of the Clerk of the United States Court, in the Indian Territory, Central District, Book 13 Page 64

W H Dewees
a Gospel Minister

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100).

Before the Commission to the five Civilized Tribes:

Written argument or brief in behalf of Ernest Carroll and wife Laura L. Carroll, as to enrollment as Choctaw Citizens:

Under act of Congress of June 10th 1896, Congress adopted and confirmed all the rolls and records of the Five Civilized tribes, when the same act gave the Commission to the Five Civilized tribes authority to hear and determine Citizenship cases. At that time the applicant Earnest Carroll was of record and enrolled as a Choctaw Citizen, and thereby denied the right to apply to the Commission to the Five Civilized tribes for Citizenship and enrollment in the Choctaw Tribe of Indians as a citizen by blood, of said tribe. And now to deny these parties of their right, without any remedy would work a hardship upon all persons who were enrolled at that time, June 10th 1896.

Under act of Congress of June 7th 1897 ,"rolls of Citizenship"as used in act of June 10th 1896," shall be construed to mean the last authenticated roll of each tribe, which have been approved by the Council of the Nation, the duly authorized courts thereof, or the Commission under act of June 10th 1896 . And all other names appearing upon such rolls shall be open to investigation by such Commission for a period of six months after the passage of this act. And any name appearing on such rolls and not confirmed by the act of June 10th 1896 as herein construed , may be stricked therefrom by such Commissiom where the party effected shall have ten days previous notice that said Commission will investigate and determine the right of such party to remain upon such rolls as a Citizen of such nation: provided, also, that any one whoes name shall be stricken from the roll by such Commission shall have the right of appeal, as provided in the act of June 10th 1896.

Under that law the Commission has no authority to hear this case now or at this time but has only a ministerial duty and that to enroll all persons whoes name appeared on the rolls of the Choctaw rolls of Citizens , as porvided in act of June 10th 1896, and June 7th 1897

After the expiration of Six month after the act of June 7th 1897 the Commission could not under the laws notify any person to appear before them for the purpose o contesting their legal enrollment, it never had any authority to cause any person to appear before it for the purpose of contesting his or her right to enrollment if their names appeared upon the last authenticated rolls of the Choctaw Nation made prior to act of June 10th 1896, for all such rolls were adopted and comfirmed, and only such names as had been added thereto after the last authenticated rolls prior to act of June 10th 1896, could the Commission hear and determine as to their right to remain on such rolls and now at this late day the Commission has no right whatever to call a person and contest their right to enrollment, under act of June 7th 1897, and further more they can not now appeal from the decree of the Commission as provided for under act of June 7th 1897.

The applicant herein, Earnest Carroll , was enrolled in 1893 and drew his share of the "Lease District Money" and was again , enrolled in 1896, by the Choctaw Authorities, and those two rolls being the rolls adopted by the Commission as the last authenticated rolls of the Choctaw Nation prior to act of June 10th 1896, then the applicant Ernest Carroll in his own right and his wife Laura L. Carroll are of right entitled to be enrolled on the Choctaw Citizenship rolls.

There is no law passed by Congress that will authorize the Commission to strike the name of Ernest Carroll and his wife Laura L. Carroll from the Choctaw rolls.

J. A. Roppe

Atty for Ernest Carroll and wife.

Budds 27

Choctaw D-372
Intermarried

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 19th, 1902.

--------oOo--------

In the matter of the application of Laura L. Carroll for enrollment as an intermarried citizen of the Choctaw Nation.

Laura L. Carroll being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Laura L. Carroll.
Q How old are you? A Twenty-one.
Q What is your post office address? A Caddo.
Q How long have you been a resident of the Choctaw Nation?
A About twelve years.
Q Have you lived here continuously for that length of time?
A Yes sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Indian husband through whom you claim these rights? A Earnest Carroll.
Q Is he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Have his rights ever been disputed? A Not that I know of.
Q When were you married to Earnest Carroll? A November 6, 1899.
Q Where was this marriage ceremony performed? A Caddo.
Q Were both you and your husband Earnest Carroll residents of the Choctaw Nation at that time? A Yes sir.
Q Did you procure a license? A Sir?
Q Did you procure a marriage license? A Yes sir, he did.
Q Where did he get that license? A Atoka.
Q United States license? A No sir.
Q Tribal license? A Yes sir.
Q You were only married to your husband once were you not?
A That's all.
Q That license was a United States license procured in the United States Court; who performed the marriage ceremony? A Duweese.
Q A Minister? A Yes sir.
Q Were you ever married before your marriage to Earnest Carroll?
A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce?
A No sir.

Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

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Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 19th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 13" day of December, 1902.

H. C. Riston

Notary Public.

F. C. B.
Ebb

7-5751.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Laura L. Carroll for enrollment as an intermarried citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record in this case that, on November 6, 1898, the applicant, Laura L. Carroll (nee Bryant), was lawfully married to Earnest Carroll, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15271 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on May 9, 1904; that at the time of said marriage both parties above mentioned were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife, in said Nation, from the date of their marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Laura L. Carroll should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

JAN 16 1905

Choctaw 5751.

COPY

Muskogee, Indian Territory, January 10, 1905.

Laura L. Carroll,

Caddo, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 10, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. 7-5751.

Choctaw 5751

COPY.

Muskogee, Indian Territory, January 10, 1905.

J. L. Rappolee,

Attorney at Law,

Caddo, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 10, 1905, rendered its decision, granting the application for the enrollment of Laura L. Carroll as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Chairman.

Registered.

Choctaw 5751

COPY.

Muskogee, Indian Territory, January 10, 1905.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 10, 1905, rendered its decision granting the application for the enrollment of Laura L. Carroll as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Bixby

Registered.

Chairman.

Choctaw 5751

COPY.

Muskogee, Indian Territory, January 10, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 10, 1905, granting the application for the enrollment of Laura L. Carroll as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-5751.

See Choctaw 5754 for registry receipt for this letter.

all. WC

MEMORANDA.

(Date) Aug 25 1899.

Name Earnest Connall

Choctaw ? yes County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? yes Mother's citizenship Choc

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, ...

Wife's name, Laura L. Connall

Choctaw ? yes County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship MS

Intermarried citizen ? yes

Married under what law ? Choc

License filed this day yes

Names of children:

..... County	Year	Page	No.	
..... County	Year	Page	No.	
..... County	Year	Page	No.	
..... County	Year	Page	No.	
..... County	Year	Page	No.	
..... County	Year	Page	No.	
..... County	Year	Page	No.	
..... County	Year	Page	No.	
..... County	Year	Page	No.	
..... County	Year	Page	No.	

1 Cor. p 172 #112 was P.A. Franklin Co. Ga. as Earnest Connal

#1. Son of George Connall, cousin of William Buckholts, was not admitted by Supreme Court Oct 1872 when William Buckholts was admitted

2372

(C O P Y)

No. 323.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA)SS
THE INDIAN TERRITORY)
CENTRAL DISTRICT)

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING:

You are hereby commanded to solemnize the Rite and publish the Bans of Matrimony between Mr. George E. Carroll of Caddo in the Indian Territory, aged 19 years, and Miss Laura L. Bryant of Caddo in the Indian Territory, aged 17 years, according to law and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 1st. day of Nov., A.D. 1898.

E. J. Fannin,
Clerk of the U.S. Court.

D. N. Robb, Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA)
INDIAN TERRITORY)SS
CENTRAL DISTRICT)

I, Wm. H. Deweese, a Minister of the Gospel, DO HEREBY CERTIFY, That on the Sixth (6) day of Nov., A.D. 1898, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

Witness my hand this 6 day of Nov., A.D. 1898.

My credentials are recorded in the office of the Clerk of the United States Court, in the Indian Territory, Central District, Book "B", Page 54.

W. H. Deweese, a Gospel Minister.

CERTIFICATE OF RECORD OF MARRIAGES. No. 323.

UNITED STATES OF AMERICA)
THE INDIAN TERRITORY)SCT.
CENTRAL DISTRICT)

I, E. J. Fannin, Clerk of the United States Court in the Indian Territory and District aforesaid, DO HEREBY CERTIFY that the License for and Certificate of the Marriage of Mr. George E. Carroll and Miss Laura L. Bryant were filed in my office in said Territory and District the 7 day of Nov., A.D. 1898 and duly recorded in Book 1 of Marriage Record, page 162.

Witness my hand and seal of said Court, at Atoka this 7 day of Nov. A.D. 1898.

E. J. Fannin, Clerk.

By D. N. Robb, Deputy.

Application for Enrollment
Infant Child
Stanton B. Carroll
as a citizen of
Choctaw Nation.

FEB 20 1902

Approved.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 20 1902

ACTING CHAIRMAN.

D372

DEPARTMENT of The INTERIOR

Commission To The Five Civilized Tribes.

IN RE Application for Enrollment , as a citizen of the Choctaw Nation of Stanton B Carroll, born on the 10th day of January 1902 .

Name of father G. Ernest Carroll, a citizen of the Choctaw Nation.

Name of mother Laura E Carroll, a citizn of the Choctaw Nation.

Post Office address Caddo I. T.

Affidavit of Mother

United States of America
Indian Territory
Central District

I, Laura E Carroll, on oath, states that I am 21 years of age and a citizen, by marriage , of the Choctaw Nation; that I am the lawful wife of G. Ernest Carroll who is a citizen, by blood, of the Choctaw Nation; that a male child was born to me on the 10th day of January 1902; that said child has been named Stanton B Carroll and is now living.

Laura E Carroll

Subscribed and sworn to before me on this the 10th day of Feb. 1902

J. L. Rappolee
Notary Public

Affidavit of Attending Physician

United States of America
Indian Territory
Central District

I, H. E. Rappolee, a Physician, on oath, state that I attended on Mrs Laura E. Carroll, wife of G. Ernest Carroll on the 10th day of Jan. 1902; that there was born to her on said date a male child; that said child is now living and is said to have been named Stanton B Carroll.

H. E. Rappolee M.D.

Subscribed and sworn to before me on this the 10th day of February 1902.

J. L. Rappolee
Notary Public

CHOCTAW.

20 XIX

IN RE

Application for Enrollment of

INFANT CHILD

Elanor Carroll

as a citizen of the

Choctaw Nation.

Approved, FEB -4 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 4 1901

ACTING CHAIRMAN.

CHOCTAW.

D 372

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Elanor Carroll, born on the 13th day of Dec, 1900
(Here insert name of child.)
Name of Father: Ernest Carroll, a citizen of the Choctaw Nation.
Name of Mother: Laura Carroll, a citizen of the Choctaw Nation.
Postoffice, Cuddo IT

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Cent District. }

I, Laura Carroll, on oath state that I am 19 years of age and a citizen, by Marriage, of the Choctaw Nation; that I am the lawful wife of Ernest Carroll, who is a citizen, by blood, of the Choctaw Nation; that a female (male or female) child was born to me on the 13th day of Dec, 1900 that said child has been named Elanor Carroll, and is now living.

Laura Carroll.

WITNESSES TO MARK:

(Must be Two Witnesses.) }
}

Subscribed and sworn to before me this 25 *day of* Jan, 1901

J A Rappole
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Cent District. }

I, H. E. Rappole, a Physcian, on oath state that I attended on Mrs. Laura Carroll, wife of Ernest Carroll, on the 13th day of Dec, 1900 that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Elanor Carroll

H. E. Rappole

WITNESSES TO MARK:

(Must be Two Witnesses.) }
}

Subscribed and sworn to before me this 1st *day of* Feb, 1901

J A Rappole
NOTARY PUBLIC.

Muscogee, Indian Territory,

August 18th, 1900.

Earnest Carroll,

Caddo, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Laura L. Carroll as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-372.

Muskogee, Indian Territory, September 10, 1900.

Ernest Carroll,

Caddo, Indian Territory.

Dear Sir:-

Since notifying you on August 10, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest to your enrollment is, that you have never been admitted by the Choctaw Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-B-378

Muskogee, Indian Territory, January 4, 1902.

J. L. Rappeles,

Caddo, Indian Territory.

Dear Sir:

The Commission is in receipt of brief on behalf of Ernest and Laura L. Carroll, applicants for enrollment as citizens of the Choctaw Nation, and the same has been duly filed with the record in this case.

Yours truly,

Acting Chairman.

7-D-372

Muskogee, Indian Territory, February 4, 1901.

Ernest Carroll,

Caddo, Indian territory.

Dear Sir:

The Commission is in receipt of the application for the enrollment of Elsner Carroll, the infant daughter of Ernest and Laura Carroll, born December 13th, 1900, as a citizen of the Choctaw Nation.

The same has been accepted and filed by the Commission as evidence of the birth of this child.

Yours truly,

Acting Chairman.

7-D-378

7-D 872

Muskogee, Indian Territory, February 20,1902.

Earnest Carroll,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Stanton B. Carroll, the infant son of Earnest and Laura Carroll, born January 10, 1902, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

7-D 372

Muskogee, Indian Territory, December 3, 1903.

George Earnest Carroll,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 30, in which you state that you understand that the case under which you claim citizenship, namely, Buckholts, of Boggy Depot, Indian Territory, has been decided in favor of the applicants. You state that you are one of these claimants and wish to be informed if it is advisable for you to reserve lands for allotment under this claim.

In reply to your letter you are advised that the Commission has not yet passed upon your application for the enrollment of yourself, your wife and your children as citizens of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

You are advised, however, that the Commission has rendered a decision granting the application of James M. Buckholts for the enrollment of himself and his children as citizens by blood of the Choctaw Nation and that protest to such action was filed by the attorneys for the Choctaw and Chickasaw Nations and on August 17, 1903, the record in the case, together with the decision of the Commission, and the protest of the attorneys for the Choctaw and Chickasaw Na-

tions was forwarded to the Secretary of the Interior.

The Commission has not yet been notified of Departmental action in this case. You would not, therefore, be permitted to make selection of allotment at this time.

Respectfully,

Chairman.

Choctaw 5751

Muskogee, Indian Territory, November 30, 1904.

Mrs. Laura Carroll,

Caddo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 25, asking if you have been approved as an intermarried citizen of the Choctaw Nation and in reply you are advised that the Commission is now considering your application for enrollment as an intermarried citizen of the Choctaw Nation and as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choc 5752 James H. miller

Trans from choc # D394

5752

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment, as a citizen by intermarriage of the Choctaw Nation, of--

James H. Miller ---------- 7 D-394.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of James H. Miller as an intermarried Choctaw; being sworn and examined by Com' McKennon he testifies:

Q What is your name? A James H. Miller.

Q How old are you? A Forty-six.

Q You present here a license issued by the County Clerk of Miamitia County, Choctaw Nation, dated March 28th, 1891, to marry Ella Miller, with a certificate of marriage, dated March 30th, 1891, was this your first marriage to this lady? A No sir, I was married before, in 1876, December 23rd, under the laws of the United States.

Q Had you been separated or divorced from her? A No sir.

Q This was a second marriage? A Yes sir.

Q Are you living with her yet? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Lee

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-394.

Muskogee, Indian Territory, March 1, 1902.

James H. Miller,

Stringtown, Indian Territory

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

In the matter of the application of James H. Miller for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-394

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of James H. Miller for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the five civilized Tribes at its office in Muskogee, Indian Territory on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appears by his attorney, A. Telle, and asks that reference be made to the 1896 Choctaw census roll of intermarried citizens where the name of this applicant appears on page 394, Number 14826 as J. H. Miller, and that the same be considered and also asks that reference be made to Choctaw roll card No.4242 where the name of Ella J. Miller, the wife of this applicant is listed for enrollment together with their children, and asks that the same be considered as evidence in this case. Applicant offers in evidence the Commission issued to him on the 29th day of October, 1898, by the Senate and Principal Chief of the Choctaw Nation, Green McCurtain, appointing this applicant as district collector for the 3rd district in the Choctaw Nation, the same being offered in evidence for the purpose of showing that this applicant has always been recognized by the tribal authorities of the Choctaw Nation as a citizen of said nation. Applicant now submits this cause upon the record as made up and the same will be considered by the Commission upon the evidence and record as now on file.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 10th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 10 day of April, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ANTLERS, I.T. Dec. 4, 1902.

7-D394

In the matter of the application of James H. Miller for enrollment as an inter-married citizen of the Choctaw Nation.

James H. Miller being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James H. Miller.
Q How old are you? A Forty nine.
Q What is your postoffice address? A Stringtown.
Q How long have you been a resident of the Choctaw Nation? A Since 1875.- October 16th I believe.
Q Have you lived here continuously since that time? A Yes sir.
Q ever made your home anwhere else during that time? A No sir.
Q Do you claim inter married rights in the Choctaw Nation? A Yes sir I have had my wife and family in Paris part of the time for educational purposes; except for during the school term, she has been some time in Texas; all my interests are here in the Choctaw Nation.
Q Have you ever voted or held property in Texas? A No sir. I have owned some property in Texas and Oklahoma; but I am a non-resident of Texas; I have lived here all my life.
Q Do you claim inter-married rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw wife, through whom you claim these rights? A Ella J. Robuck
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Have her rights as such ever been disputed? A No sir.
Q When were you married to Ella J. Robuck? A On December 23, 1876 first; we had two marriages.
Q Where was this marriage ceremony performed? A Where Arthur is now just across the river from where my wife lives in the State of Texas
Q Afterwards did you re-marry this same woman? A Yes., in 1901 I think it was; I intended to mend it at that time; I had not lived here two years, the required length of time in order to obtain a license; I had lived here from September 16, 1876 till December 23, 1876, which was not two years. The District Clerk offered to give me a license and I didn't accept it for I didn't think it was right and I thought I would mend it later but I didn't until 1901.
Q At that time did you obtain a Choctaw license in regular form?
A Yes sir.
Q From whom did you get that license? A Wilson A. Jones; was County Clerk of Kiamitia County at that time.
Q How much did you pay for that license? A $100.00

Q who performed the second marriage? A Daniel ?Miller, a minister of the Gospel.
Q There has been no separation between the time of your first and second marriages? A No sir; that was just to mend the first marriage
Q Were you ever married prior to your marriage to her? A No sir.
Q Was she ever married prior to her marriage to youA No sir.
Q Since your marriage to her have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation-? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

by S.E.Lewis:
Statement

A.R.Durant, Ben Watkins and myself were the Board that revised the 1896 roll and while we were revising it Mr. Miller's case came up on that second marriage question and the Board decided that he was all right and enrolled him.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on December 4, 1902, and that this is a full, true and corrrect transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 31 day of [illegible] 1902.

Charles Hetherington
Notary Public.

Office of the County Clerk
Choctaw Nation.

To all to whom these may concern:
Greeting. In pursuance to an application of one J. H. Miller a resident of the aforesaid County and Nation and a citizen of the United States of America, praying for a license to marry one Miss Ella Miller a citizen of the County and Nation aforesaid. Now being satisfied that the said applicant J. H. Miller has complied with all the requirements in law and the petition being in due form according to law and that the said applicant having lived in the County and Nation aforesaid the length of time required by the Constitution and laws in reference to the inter-marriage between a citizen of the United States and a citizen of the Choctaw Nation.

Now therefore I do hereby grant to him J. H. Miller a license for the above purpose aforesaid

Given under my hand and seal of the County Court this 28th day of March A.D. 1891.

Wilson Jones Jr.
County Clerk.

Kiamichi County, Choctaw Nation
March 30th 1891.

Know all men by these presents, that I Daniel Miller minister of the Gospel have this the above day and date joined in the Holy Estate of matrimony Dr. J. H. Miller and of the United States and Ella Miller of said Nation this the above day and date.

Daniel Miller.
Minister of the Gospel.

I, D. H. Oakes. Clerk of County and Probate Court of Kiamichi County Choctaw Nation, do hereby certify that the foregoing marriage License of J. H. and Ella Miller and certificate thereto attached is a true and correct copy taken from Kiamichi County Record Book No 7 page 442.

In testimony whereof I hereto set my hand and affix the seal of Kiamichi County Court this the 2d day of September 1896.

D. H. Oakes
County Clerk.

10394

Certified copy of
Marriage License
of
Dr J. H. and Ella Miller

D- 31

COMMISSION

of

James H. Miller

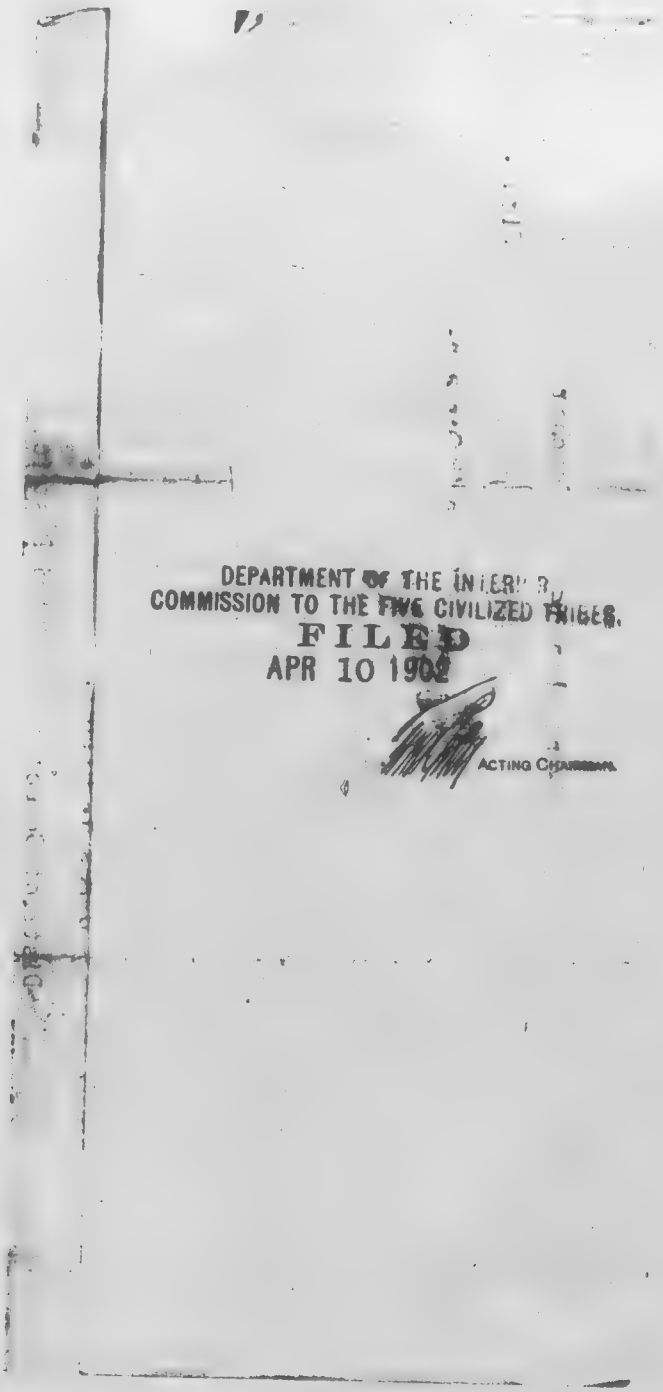
I do solemnly obtest that I will support the Constitution of the Choctaw Nation and that I will faithfully and impartially discharge to the best of my abilities the duties of the Office of District Collector in and for the Third District Choctaw Nation according to law

So help me God

J. H. Miller

Subscribed and Sworn to before me This 2d day of January 1899. S. Oakes

County Judge Tiamichi County


DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 10 1902
ACTING CHAIRMAN

COMMISSION.

The Choctaw Nation, to all Whom These Presents Shall Come, GREETING:

KNOW YE, That James H. Miller,

has been duly appointed District Collector for Third District in the Choctaw Nation, by the Senate and Principal Chief on the Twenty-Eighth day of October A. D. 1898.

NOW, THEREFORE, I Green McCurtain, Principal Chief of the Choctaw Nation, by virtue of the authority in me vested by the Constitution and Laws of said Nation, do hereby Commission him, the said James H. Miller in and for the office aforesaid, for and during the term prescribed by the laws of said Nation. He, the said duly appointed District Collector for the Third District is therefore hereby authorized and required to do and perform all and singular the duties incumbent on him as District Collector in and for the Third District aforesaid, according to law and the trust reposed in him.

IN TESTIMONY WHEREOF, I have hereto set my hand, and caused the Seal of the Choctaw Nation to be affixed, at Tushka Homma, this Twenty-Ninth day of October in the year of our Lord, one thousand eight hundred and ninty Eight.

By the Principal Chief Green McCurtain.

Solomon J. Homer

National Secretary, Choctaw Nation.

Choc. X

7 D-394.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of James H. Miller as a citizen by intermarriage of the Choctaw Nation.

-:::-

D E C I S I O N

It appears from the record herein that James H. Miller, on March 30, 1891, was married, in accordance with the laws, customs and usages of the Choctaw Nation, to Ella J. Miller (nee Robuck), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 11879 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 10, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they have lived together continuously in Indian Territory, as husband and wife, from the date of their said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that James H. Miller should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 27 1904

COPY. Choctaw No. D-394

Muskogee, Indian Territory, February 27, 1904.

James M. Miller,

Stringtown, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered February 27, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Registered.
Enc. 7-D-394

Commissioner in Charge.

Choctaw No. D-294

Muskogee, Indian Territory, February 27, 1904.

W. T. Glenn,

Attorney at Law,

Antlers, Indian Territory.

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on February 27, 1904, rendered a decision, granting the application of James H. Miller for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said James H. Miller as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles.

Registered.

Commissioner in Charge.

Choctaw No. D-394

Muskogee, Indian Territory, February 27, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered February 27, 1904, granting the application of James H. Miller for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said James H. Miller as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner in Charge.

Registered.
Enc. 7-D-394

Muskogee, Indian Territory, November 19, 1900.

W. T. Glenn ,

Attorney at Law,

Antlers, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 15th instant, in which you desire to be furnished with a certificate of the enrollment of J. H. Ellis J., Edgar P., S. G., Ida B., Willie, Ruby Keil, Edith Roebuck and James H. Miller, Jr., as citizens of the Choctaw Nation.

You are informed that the Commission cannot issue any certificates as to the enrollment of any parties as citizens of any of the Five Tribes of the Indian Territory. The Commission is only empowered to prepare a roll of the citizens of the Five Tribes for submission to the Secretary of the Interior for his approval and until such approval of the final rolls as prepared by this Commission, no certificates could be issued.

The records of this Commission show however in regard to the parties of whom you inquire, that James H. Miller, 46 years of age, of Stringtown, Indian Territory, was listed for enrollment by this Commission as a doubtful claimant to intermarried citizenship in the Choctaw Nation, August 21st, 1899 and at the same time his wife, Ella J. Miller, 46 years of age and his six minor children, Samuel G., Ida B., William W., Ruby G., Edith R. and James H. Miller, Jr. were listed for enrollment as citizens by blood of the Choctaw Nation.

W t # 2

Edgar P. Miller, 21 years of age, of Stringtown, Indian Territory, was on August 21st, 1899, listed for enrollment by this Commission as a citizen by blood of the Choctaw Nation, together with his wife Maggie M. Miller, who was listed for enrollment as an intermarried citizen of the Choctaw Nation.

Yours truly,

7-4240
7-4242
7-D394

Choc 5753 Ed Randolph

Trans from Choc #D129

5753

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

ED RANDOLPH.

7-5753.

D 129

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the matter of the application of ED RANDOLPH as an intermarried citizen of the Choctaw Nation; being sworn by Commissioner McKennon, he testifies as follows:

Q Your name is Ed Randolph? A Yes sir.

Q You were married to Anna Elizabeth Kirby on the 22nd day of April, 1894, were you? A Yes sir.

Q After you married did you live in the Nation or in Texas?

A I lived in the Nation.

Q All the while? A All except last winter was a year ago now this last gone winter, along in November, 1897, I went to English, Texas.

Q Had you resided continuously in the Choctaw Nation after you married up to last November a year ago?

A I had.

Q You then went over to Texas? A Yes sir.

Q How long did you remain there?

A Until in February, this last February a year ago,- 1898.

Q Now since that time have you been living in the Choctaw Nation?

A Yes sir.

Q What was your wife's name? A Anna Kirby.

Q Is she enrolled that way? A No sir, well she is enrolled I reckon on the Choctaw roll.

Q How was she enrolled before you married her?

A As Anna Kirby.

Q And her name is now Randolph? A Yes sir.

(Ed Randolph, #2)

Q By Capt. Maytubby) Is your wife Choctaw?

A Yes sir.

Q Was she raised in the Choctaw Nation here?

A Yes sir, she is a quarter or an eighth, I don't know; she is a niec of Henry and Ed Harris.

Q Her name is what? A Anna Elizabeth; it may be it got in just as Anna. Her father's name was Wyatt Kirby.

Q Was he a white man? A Yes sir.

Q Her mother's name? A Kizzie.

Q Choctaw or white woman?

A She was Choctaw.

Q Is she living? A No sir.

Q Her father living? A No sir, I don't think he is.

Q (By Capt. Maytubby) Did you take your wife with you when you went to Texas? A Yes sir.

Q (Capt.May-) You kept her there did you?

A Yes sir, all the time when I was in Texas.

Q Is she here? A She is not here, she is sick.

Q Did she draw money es sir

Q You know with whom,- what County, Red River County?

A Red River County; her father registered her I reckon; I know he did.

Q Do you know anything about them drawing money there?

A I was not there at the time the money was drawn. There is parties here that does know it.

Department

M D Green

(Ed Randolph, 73)

WYATT KIRBY, being sworn by Commissioner [illegible], testifies as follows:

Q Your name? A Wyatt Kirby.

Q What relation are you to the wife of this young man

A She is my daughter.

Q What is her name? A Anna Kirby.

Q Has she any other name? A Call her Anna Elizabeth, some people do.

Q What is your age? A Fifty-six.

Q Are you a citizen by blood? A No sir.

Q White man? A Yes sir.

Q How long have you been living in the Nation?

A About twenty-nine years.

Q Is your wife living, - the mother of Anna?

A No sir, she is dead.

Q When did she die? A She died, been dead about twelve years.

Q Was she a citizen of the Choctaw Nation? A Yes sir.

Q All her life? A Yes sir.

Q Born and raised here in the Choctaw Nation? A Yes sir.

Q What was her maiden name? A She was Mizzie Harris.

Q Was her father a white man? A Yes sir.

Q Her mother Choctaw? A Yes sir.

Q What was her name? A Her mother? Q Yes?

A Eliza Harris.

Q Was she ever enrolled before? A I think she is on the roll of 1880.

Q Anna you mean? A Yes, Anna is on the roll.

Q When was she first enrolled?

(Ed Randolph, #4)

A I think it was in 1880.

Q Did she draw money? A Yes sir.

Q Where? A Red River County.

Q Did you draw it for her? A Yes sir.

Q The record does n t show it, it does not show that any Kirby drew money.

Q Did you draw it in the county where you were re-ister d or did you have to get the Council to get it?

A No sir, drew it in the county w ere I was re istered.

Who paid it to you? A I don't know who the men were.

[illegible]

[illegible]

[illegible]

M D Green

(Ed Randolph, #5)

ROBERT TAYLOR being sworn by Commissioner McKennon, testifies as follows:

Q What is your name? A Robert Taylor.

Q What is your age? A Forty-five I think.

Q You are Sheriff of Red River County?

A Yes I am ex-sheriff.

Q Are you acquainted with Anna Randolph?

A I am not very well acquainted with Randolph, I know there is such a man in that County.

Q Are you acquainted with his wife, Anna Randolph?

A I know that this man has a daughter of Kirby for a wife, but I am not much- I never go about them much.

Q Do you know Kirby himself?

A Yes, I know Kirby.

Q Did you know Kirby's wife?

A Yes I knew his wife; she is a sister of Henry Harris.

Q Was she a Choctaw citizen?

A I don't know only this, that she is a sister of Henry Harris.

Q Was Kirby's wife raised in this country?

A I don't know.

Q How long did you know her, Mrs Kirby?

A Only covering a period of about six years; I first became acquainted with her or knew her after I entered upon my duties as Sheriff of the County.

M D Green

Department of the Interior,
Commission to the Five Civilized Tribes.

(Ed Randolph #6)

I hereby certify, upon my official oath as stenographer to above named Commission, that this is a true and correct translation of my shorthand notes.

WALTER HARRIS being sworn by Commissioner McKennon, testifies as follows:

Q What is your name? A Walter Harris.

Q How old are you? A Twenty-nine.

Q You are a son of Judge Harris? A Yes sir.

Q What is his given name? A Henry Harris.

Q Are you acquainted with Anna Randolph? A Yes sir.

Q How long have you known her?

A Ever since she was a little child.

Q Where was she born and raised? A I think she was born on Hank's Prairie, about three miles south of where my father lives in the Choctaw Nation, Red River County.

Q Did you know her mother? A Yes sir, my aunt on my father's side.

Q How long did she live in the Nation?

A All her life; born and raised up here on Rock Creek.

Q Was she a recognized citizen of the Choctaw Nation?

A Yes sir.

Q You know how long since she died?

A She has been dead about twelve or thirteen years.

Q She your father's own sister? A She was my father's own sister.

Q You don't know why Anna is not on the rolls?

A No sir, I do not; she drawed money the same time I did at Shawneetown.

Q You know who drew it for her?

A Wyatt Kirby, her father.

Q Did they register in that County too?

A Yes sir, registered right there at my father's before the drawing.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Ed Randolph for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his wife, Anna Randolph, and his four minor children, Lee, Leonard, Luther and Ada Olline Randolph as citizens by blood of the Choctaw Nation. ---D 129----

On the 26th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Ed Randolph, Anna Randolph, Lee Randolph, Leonard Randolph, Luther Randolph and Ada Olline Randolph, for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this 4th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the principal applicant, Ed Randolph, appeared in person.

Ed Randolph, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Ed Randolph.
Q What is your age? A Twenty nine.
Q What was your father's name? A M. O. Randolph.
Q What was your mother's name? A Annie Randolph.
Q They were both white people? A Yes sir.
Q You are a white man? A Yes sir.
Q You claim citizenship by intermarriage? A Yes sir.
Q What is your wife's name? A Anna Randolph.
Q What was her name before you married her? A Kirby.
Q What is her age? A Twenty five.
Q What was her father's name? A Wyatt Kirby.
Q His name should be Wyatt Kirby instead of White Kirby? A Yes sir Wyatt T . Kirby.
Q What is her mother's name? A Kizzie Kirby.
Q Is her father living? A Yes sir, but her mother is dead.
Q Have you ever been on any of the tribal rolls of the Choctaw Nation? A I was on the Choctaw census roll.
Q Of 1896? A Yes sir.
Q As an intermarried citizen? A Yes sir.
Q When were you married to your wife? A In 1894 I believe.
Q What law were you married under, United States law or Choctaw law? A I was married under Choctaw law.

Q Did you obtain a Choctaw lice nse? A Yes sir.
Q Where is that license? A I produced it to the Commission at Alikchi.
Q Did you leave it with the Commission? A Yes sir.

(Choctaw license and certificate of marriage on file with original papers in this case)

Q What is your present post office address? A Goodwater, Indian Territory.
Q How long have you lived there? A I live about ten miles south of Goodwater.
Q How long have you lived in the territory? A About eight or nine years.
Q Have you lived here all that time? A I have been out of the territory a while temporarily.
Q How long have you been out at any one time? A I went in the last of September or first of October and came back on the 13th of February following.
Q When was that? A I believe it was in 1896, and came back in 1897.
Q Have you been away since? A I have not.
Q Your family has been here with you all the time? A Yes sir.
Q Has your wife, Anna, ever been on any of the Choctaw rolls? A Yes sir.
Q Do you know what rolls she appears on? A She is on the pay roll and on the Choctaw census roll.

(Reference is made to Leased District Pay Roll of 1893, where the name of this applicant's wife appears as Anna Kirby, Red River County, page 78, No.679; also to the Choctaw census roll of 1896 where the name of this applicant's wife appears at page 188, number 7584.)

Q Has your wife a middle name? A Yes sir.
Q What is her middle name? A Elizabeth.
Q Her name then in full was Anna Elizabeth Kirby before she married you? A Yes sir.
Q And now Anna Elizabeth Randolph? A Yes sir.
Q Is she the same person who appeared before the Commission in April 1899 and was listed by the Commission as Anna Randolph? A Yes sir.
Q And the name should be Anna E. Randolph instead of simply Anna Randolph? A Yes sir.
Q Is there any other statement you desire to make? A Nothinh, unless it is on my children.
Q How many Children have you? A I have three now, one died.
Q What is the oldest one's name? A Lee.
Q How old is he? A Seven years old.
Q What is the name of the next one? A Leonard.
Q What is his age? A Five .
Q Next one? A He would have been about three.
Q What is his name? A Luther.
Q Is Luther livi ng ? A No sir, he is dead.
Q The next one? A Ada Olline, a girl.
Q How old is she at this time? A About ten months old.
Q These three children, Lee , Leonard, and Ada Olline are all living at home with you and your wife? A Yes sir.

Q This application is made for them as well as for yourself and wife
A Yes sir.
Q When did Luther die? A He died in August of last year.
Q August, 1901? A Yes sir.
Q Do you remember the day of the month? A The twenty-seventh, I believe.

By the Commission: This case willbe considered by the Commission upon the evidence and record as now made up.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 8th day of April, 1902.

Clarence Tehallwood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, Indian Territory, November 27th, 1902.

Choctaw D 129,
Intermarried.

In the matter of the application of Ed Randolph for enrollment as an intermarried citizen of the Choctaw Nation.

Ed Randolph, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Ed Randolph.
Q What is your age? A 30.
Q What is your post office address? A Goodwater, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A eight years.
Q Have you lived here continuously for the past eight years. A I have been out of here once; I lived out three or four months at work.
Q When was that? A I believe it was in 1896 in October, and I came back in February, 1897.
Q You were out at work at that time? A Yes sir.
Q Did you make a permanent home outside of the territory? A No, sir, I didn't move my stock; I had my family with me.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Annie E. Kirby.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Have her rights ever been disputed? A No sir, never have.
Q When were you married to Annie E. Kirby? A In 1894, April.
Q Where was the marriage ceremony performed? A About four and a half or five miles east of Harris' ferry on Red River, in the Choctaw Nation.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir
Q How long did you live here? A About five months before I was married.
Q Where did you live before that? A In Texas.
Q Were you married in accordance with the Choctaw tribal law? A I was
Q Did you obtain a marriage license? A Yes sir.
Q From whom did you get that license? A County Clerk Simon Taylor.
Q Of what county? A Red River County.
Q Who performed the marriage ceremony? A J. J. Watkins
Q Was he a minister? A No sir, District Judge at that time.
Q Were you ever married before your marriage to Annie E. Kirby? A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

-----OooO-----

Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause

on the 27th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Ristean

Subscribed and sworn to before me this 22 day of January 1903.

Charles Ketcham

Notary Public.

Choctaw Nation } April 20th 1894.
Red River County } To all to Whom it may Concern.

We the undersigned your petitioners being citizens of said Nation and County above mentioned recommend Mr. Ed Randolph citizen of the United States to be a sober and good moral character and we having known him more than one year and request you to issue a marriage license as required by law.

Signed

1 J. J. Watkins
2 Solon Morris
3 George Morris
4 C. H. Morris
5 Allston Nelson
6 Phelin Tuckka
7 Julius Jefferson
8 Jim Simmons
9 J. R. Harris
10 Thompson Battiest.

Sworn to and Subscribed before me on this the 21st day of April A.D. 1894.

Simon Taylor, County Clerk
Red River Co C. N.

I Record from Ed Randolph having paid his Marriage License the sum of $100 one hundred Dollars as Required by Law and having taken the oath of Allegiance as required by Law of the Choctaw Nation

Simon Taylor, County Clerk

Copy Marriage Certificate.

Choctaw Nation } This is to certify
Red River County } That Mr Ed Randolph
of Texas and
Miss Anna E. Kirby of Red River Co
C. N. were by me united in
the Holy Bonds of Matrimony
according to the Laws of the
Choctaw Nation. This
April 22nd 1894.

J. J. Watkins
Judge 2nd Jud. District
C. N.

Attested
Simon Taylor, Co. Clk.

Choctaw Nation } I do hereby Certify
Red River Co } That the foregoing
papers are a true and correct
Copy of the original now
on Record in my office in
docket "Book for Marriage" or
Petition Recorded on page 66
Marriage Certificate Rec. on page 31.
Given under my hand
and seal of office
this the 20th Day of
April A.D. 1902.

S. J. Thompson
Co. Clerk
Red River Co. C.N.

Choctaw Nation

Red River Co. } This is to certify that Mr
[illegible] and Miss

united in the holy bond of matrimony accor
ding to the Laws of Choctaw Nation.
This April 22. 1894. J. F. Watkins
Judge 2nd Dist.
District C. N.

Attested.
Jimm Taylor
County Clerk.

I do hereby certify that the above statement, do to be
true and correct this 8th day of May 1894
Jimm Taylor
County Clerk.

Choctaw Nation
Red River County.

To all to whom it may concern:

This is to certify that Mr Ed Randolph A United States Citizen to Marry one Miss Anna Elizabeth Kirby a citizen of the Choctaw Nation, And I do hereby inquire all requisetion and find it to be worthy of "Marriage License" And it is granted unto him, And I do hereby Issue This "Marriage License" The same. Mr Ed Randolph Having taken the "Oath of Alligiance" as required by laws of said Nation.

In Testimony Whereof I hereby acknowledge the "Marriage License" This the 21st day of April A.D. 1894.

Simon Taylor
County Clerk
Red River County
Choc Nation

FRB
Dkt

7-5753.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
------O------

In the matter of the application of Ed Randolph for enrollment as an intermarried citizen of the Choctaw Nation.

------O------

D E C I S I O N.

------O------

It appears from the record in this case that the applicant, Ed Randolph, on April 22, 1894, was married, in accordance with the laws, customs, and usages of the Choctaw Nation, to Anna E. Randolph (nee Kirby), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15522 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on May 9, 1904; that at the time of said marriage both parties above mentioned were residents in good faith of the Choctaw Nation; and that they lived together as husband and wife, in said Nation, from the date of their marriage up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission, the applicant is identified upon the 1896 Choctaw Census Roll, Red River County, number 14972, enrolled thereon as a citizen by intermarriage of the Choctaw Nation.

It is, therefore, the opinion of this Commission that Ed Randolph should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Muskogee, Indian Territory,

JAN 10 1905

Commissioner.

Choctaw 5753.

COPY.

Muskogee, Indian Territory, January 10, 1905.

Ed Randolph,

Janis, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 10 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Encl. 7-5753.

Choctaw 5753.

COPY.

Muskogee, Indian Territory, January 10, 1905.

S. J. Herndon,

Kullituoklo, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on January 10, 1905, rendered its decision granting the application of Ed Randolph for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Chootaw 5763.

COPY.

Muskogee, Indian Territory, January 10, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Chootaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered January 10, 1905, granting the application of Ed Randolph for enrollment as a citizen by intermarriage of the Chootaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chootaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chootaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Tams Bixby

Chairman.

Registered.

Encl. 7-5763.

See Chootaw 5764 for registery receipt for this letter.

Muskogee, Indian Territory, July 15, 1901.

Mr. Ed Randolph,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Ida Olline Randolph the infant daughter of Ed and Anna Randolph, born June 1, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting chairman.

7- D.129.

Choctaw D-129.

Muskogee, Indian Territory, February 26, 1902.

Ed Randolph,

Goodwater, Indian Territory.

You are hereby notified that your application for the enrollment of yourself and your minor children, Lee Randolph, Leonard Randolph and Luther Randolph, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration, at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time be afforded an opportunity to introduce testimony affecting the rights of yourself and your children to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

T. B. Needles.

Register. Commissioner in Charge.

Choctaw D 129

Muskogee, Indian Territory, April 8, 1902.

S. J. Herndon,

Kullituoklo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, enclosing certified copy ofthe marriage license and certificate of Ed Randolph and Miss Anna E. Kirby and the same has been duly filed in the matter of the application of Ed Randolph for enrollment as an intermarried citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw 5753

Muskogee, Indian Territory, March 22, 1904.

Ed Randolph,

Janis, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 14, asking if you have been approved as a citizen of the Choctaw Nation, and in reply you are advised that you have been listed for enrollment as an intermarried citizen, but your final right to such enrollment as an intermarried citizen of the Choctaw Nation has not yet been determined. As soon as a decision is reached in your case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

7-5753

Muskogee, Indian Territory, March 16, 1905.

Ed Randolph,

Janis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 8, 1905, in which you ask if you are on the final filing rolls and the pay roll.

In reply to your letter you are informed that you have been enrolled by the Commission as an intermarried citizen of the Choctaw Nation and your name has been placed upon a schedule of intermarried citizens of said Nation which has been forwarded the Secretary of the Interior, but the Commission has not yet been notified of Departmental action thereon. Pending the approval of your enrollment by the Secretary of the Interior you would not be permitted to make selection of allotment.

You are further advised that the matter of the payment of moneys to citizens of the Choctaw and Chickasaw Nations is one that is within the jurisdiction of the United States Indian Agent and for information relative thereto you should address him at Muskogee, Indian Territory.

Respectfully,

Chairman.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Lenord Randolph, born on the 15th day of December, 1896
Name of father: Ed Randolph, a citizen of the Choctaw Nation.
Name of mother: Annie Randolph, a citizen of the Choctaw Nation.
Post Office: Harris I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Annie Randolph, on oath, state that I am 23 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of Ed Randolph who is a citizen, by Marriage, of the Choctaw Nation; that a child was born to me on the 15 day of December, 1896; that said child has been named Lenord Randolph and is now living.

Annie Randolph

Subscribed and sworn to before me this 2 day of May, 1899.

J R White.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Anna Randolph, a Midwife, on oath, state that I attended on Mrs. Annie Randolph, wife of Ed Randolph on the 15 day of Decmbr, 1896; that there was born to her on said date a Boy child; that said child is now living and is said to have been named Lenord Randolph.

Anna Randolph
her
Mark X

Subscribed and sworn to before me this 1st day of May, 1899.

S B Hunter U S Ct
Ex Officio
Notary Public.
in and for Red River
County Texas

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Luther Randolph, born on the 21st day of April, 1899.
Name of father: Ed Randolph, a citizen of the Choctaw Nation.
Name of mother: Annie Randolph, a citizen of the Choctaw Nation.
Post Office: Harris I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Annie Randolph, on oath, state that I am 23 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of Ed Randolph who is a citizen, by Marriage, of the Choctaw Nation; that a child was born to me on the 21st day of April, 1899; that said child has been named Luther Randolph and is now living.

Annie Randolph

Subscribed and sworn to before me this 2 day of May, 1899.

J R White

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Willie Viney, a Midwife, on oath, state that I attended on Mrs. Annie Randolph, wife of Ed Randolph on the 21 day of April, 1899; that there was born to her on said date a Boy child; that said child is now living and is said to have been named Luther Randolph

Willie Viney
his mark

Subscribed and sworn to before me this 2 day of May, 1899.

J R White

Notary Public.

Willie
W Holcomb
Jack Harris

INDEXED

CHOCTAW. 20

IN RE

Application for Enrollment of

INFANT CHILD

Ida Olline Randolph

as a citizen of

Choctaw Nation.

Approved, JUL 15 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 15 1901

ACTING CHAIRMAN.

✓

CHOCTAW.
R 129

BIRTH AFFIDAVIT. 20 1

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Oda Olline Randolph, born on the 1st day of June, 1901
(Here insert name of child)
Name of Father: Ed Randolph, a citizen of the Choctaw Nation.
Name of Mother: Anna Randolph, a citizen of the Choctaw Nation.
Post-office, Goodwater I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Anna Randolph, on oath state that I am 23 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of Ed Randolph, who is a citizen, by Intermarriage of the Choctaw Nation; that a Female (male or female) child was born to me on the 1st day of June, 1901; that said child has been named Oda Olline Randolph, and is now living.

Annie Randolph

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this 10 *day of* July, 1901.

W. J. Whiteman
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Anna Randolph, a Midwife, on oath state that I attended on Mrs. Anna Randolph, wife of Ed Randolph, on the 1st day of June, 1901 that there was born to her on said date a Female (male or female.) child; that said child is now living and is said to have been named Oda Olline Randolph

her
Anna + Randolph
mark

WITNESSES TO MARK:
(Must be Two Witnesses)
W. Holeman
J. R. White

Subscribed and sworn to before me this 10 *day of* July, 1901.

W. J. Whiteman
NOTARY PUBLIC.

Choc 5754 Louis Merry

Trans from Choc # D128

5754

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

LOUIS MERRY.

7-5754.

D 128

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the matter of the application of LOUIS MERRY for enrollment as an intermarried citizen of the Choctaw Nation. Ben Watkins, being sworn by Commissioner McKennon and examined by him, testifies as follows:

My name is Ben Watkins, I am seventy years old.

Q Did you know Louis Merry?

A Yes sir.

Q Did you enroll him in 1896 as an intermarried citizen?

A He came to me when I was going around taking census to enroll him, and says I where is your license showing that you were duly married, and he showed me license issued by Russell Thomas, County Clerk Boktuklo County, and I knew him to be the Clerk, and saw it was all right, and I agreed to enroll him.

Q You remember whom it was he married?

A He married Bessie Durant.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Indian Territory, Dec. 7, 1900.

The Choctaw Nation	:	
	:	
vs.	:	Choctaw D- 128.
	:	
Lewis Merry.	:	

APPEARANCES:
For the Choctaw Nation, Melvin Cornish, Esq.,
For the Applicant, J. G. Ralls, Esq.

Lewis Merry being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Ralls;

Q State your name? A Lewis Merry.
Q How old are you? A 28 years.
Q Where do you live? A Lukfata, Choctaw Nation.
Q How long have you lived there? A I have lived in that country about 8 years.
Q You claim to be a citizen by marriage? A Yes sir.
Q To whom were you married? Q Bessie Durant.
Q What is her nationality? Q Choctaw.
Q Is she on the Choctaw roll at the present time? A Yes, I reckon she is.
Q Where were yuu married to her? A Lukfata.
Q Did you have a marriage license? A Yes sir.
Q Who issued the marriage license? A R. W. Thomas.
Q Then you had a Choctaw marriage license? A Yes sir.
Q Was that the first time you were married to this woman? A Yes sir
Q Who married you? A A man by the name of J. H. Silper.
Q Who was he? A He was a missionary.
Q A minister of the gospel? A Yes sir.
Q What became of your marriage license? A That was burned.
Q Where? A At my house in that county.
Q Do you remember whether you were before the Choctaw commission to be enrolled in 1896? A Yes sir.
Q Do you know Commissioner Ben Wadkins? A Yes sir.
Q Did you exhibit your Choctaw license at that time? A Yes sir.
Q Did Mr. Wadkins see the license? A Yes.
Q When was it our license was burned? A That was burned in December, 1897.
Q How did it happen to be burned? A It was in the house and the house and all its contesnt were burned.
Q Your house, was it? A Yes sir.
Q You are still living with this woman, are you? A Yes sir.

Frances R. Brown, being first duly sworn upon her oath states that as stenographer to the commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled case on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 10th day of December, 1900.

Acting Chairman.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Louis Merry for the enrollment of himself as an intermarried citizen of the Choctaw Nation and for the enrollment of his wife, Bessie Merry, and his minor child, Ida May Merry, as citizens by blood of the Choctaw Nation. ---D 128----

On the 26th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail, that the application of Louis Merry, Bessie Merry and Ida May Merry for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this fourth day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicants, being called, appeared by their attorney, J. G. Ralls; and the Choctaw Nation failed to appear.

STATEMENT BY COUNSEL:

Mr RALLS: We will submit this case upon the record.

By the Commission: This case will be considered by the Commission upon the record as now made up and this day submitted.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 5th day of April, 1902.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, Indian Territory, November 28th, 1902.

Choctaw D 128.
Intermarried.

In the matter of the application of Louis Merry for enrollment as an intermarried citizen of the Choctaw Nation.

Louis Merry, having been first duly sworn, upon his oath states as follows:

Examination by the Commission:

Q What is your name? A Louis Merry.
Q How old are you? A Thirty.
Q What is your post office address? A Glover, Indian Territory.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A Ten years.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw wife through whom you claim these rights? A Bessie Durant.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A She was until I went before the Commission at Alikchi, and there they put her on a white card and I think she has been that way ever since. She never has been denied by the Choctaws. She drew the 1893 money and she is a full blood Choctaw, and all her relatives are Choctaws by blood and all live in this country.
Q When were you married to Bessie Durant? A On the 7th day of September, 1896.
Q Where was this marriage ceremony performed? A Lufata, I.T.
Q At that time were both you and your wife bo na fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes.
Q Did you obtain a Choctaw license? A Yes.
Q From whom did you get that license? A R.W.Thomas, the county clerk
Q Of what county? A Bokyuklo.
Q How much did you pay for the license? A One hundred dollars.
Q Who performed the marriage ceremony? A J.H.Sleeper, a missionary.
Q Were you ever married before your marriage to Bessie Durant? A No.
Q Was she ever married before her marriage to you? A No.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A No sir, not all the time.
Q When were you separated? A We separated the 18th of last June.
Q Did you live together up to that time? A Yes sir.
Q You have not lived with her since that time? A Yes sir, she was gone just a month and came back and she has been here ever since.
Q That is the only time you were separated a month during last summer A Yes sir.
Q Was there any divorce or anything of that kind? A No sir.
Q When did you come together after this separation? A I don't remember just the day of the month that she came back, but it was just about a month or may be a few days over. I think she left on the morning of the 18th of June and I think it was the 22nd of the next month that she came back.
Q Since that time have you lived together continuously as husband and wife? A Yessir.
Q There has been no separation of any kind whatsoever? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

Joe James, called as a witness, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Joe James.
Q How old are you? A Twenty six.

Louis Merry-----2.

Q What is your post office address? A Lukfata, Indian Territory.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q Have you ever held any official position in the Choctaw Nation?
A Yes sir.
Q What positions have you held? A I have been county clerk and deputy sheriff.
Q County clerk of what county? A Boktuklo county.
Q Are you acquainted with this applicant Louis Merry? A Yes sir.
Q How long have you known him? A I have known him a long time.
Q Are you acquainted with this applicant's wife? A Yes.
Q What is her name? A Bessie.
Q Do you know anything regarding their marriage? A Yes sir.
Q Were you county clerk at the time of their marriage? A Yes sir, and I recorded his marriage certificate and license; he paid one hundred dollars for the license.
Q Did you ever see his marriage license? A Yes sir.
Q You state that he recorded that with you when you were county clerk? A Yes sir.
Q By whom was this license issued? A Russel Thomas, he was clerk before me and issued the license.
Q The man who held the office before you were county clerk? A Yes sir.
Q Was this license duly issued, regular in form? A Yes.
Q Do you know who married Louis Merry and his wife Bessie? A Yes
Q What was the man's name? A I forget who married them.
Q Do you know what became of that license? A Yes, I gi ve it back to Louis Merry, marriage certificate and license , both of them.
Q You don't know what he did with the marriage license and certificate after your gave it back to him? A No.

----oOo----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 22 day of January 1903.

Charles K. Jacoyn

Notary Public.

Indian Territory }
Central District } ss.

R. W. Thomas being duly sworn on his oath says that he is a Choctaw by blood, duly enrolled as such. That his post office Address is Lukfata, Ind. Ter. That he was County Clerk of Bok tuklo County, Choctaw Nation during the year 1896 and up to the first day of October in that year, when Joe A James succeeded him in such office. That as such Clerk Louis Merry a white man made application to me for a marriage license in the Month of September 1896 and presented to me a petition for such marriage license in proper form and signed by two Choctaws by blood. That I administered to said Louis Merry the oath of allegiance to the Choctaw Nation and received from him One hundred Dollars the regular license fee and as said time issued to said Louis Merry a license to Marry Bessie Durant a Choctaw Woman. Affiant further says that he did not as he now remembers ever make any record of such

License. That it was not the custom at that time to record marriage licenses in that County, but he knows the facts to be that said Louis Murry did procure and that he issued to him a license to marry according to the Laws of the Choctaw Nation in Sept. 1896. and that the said Louis Murry is now and ever since said last named date has been recognized as a Choctaw Citizen.

R D Thomas

Subscribed in my presence and Sworn to before me by R D Thomas this third day of August A D 1904.

G. A. Spaunding
U.S. Commissioner

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 1 1 1904



CHAIRMAN.

Indian Territory }
Central District } ss.

Jon A James being duly
sworn on oath says. that he is
a Choctaw Indian by blood. that his
Post office address is Glover. Ind. Ter.
That he was appointed County Clerk
of Bokfuklo County Choctaw Nation and
took charge of the office on October
1st AD 1896. succeeding R.W. Thomas as
such County Clerk. That after
he was so appointed County Clerk
and had taken charge of the office Louis
Merry a white man who had been Married
to Bessie Durant a Choctaw woman
presented to me his Marriage license
which was issued by R.W. Thomas Choctaw
County Clerk together with a receipt for
One hundred Dollars license fee and
a Marriage Certificate showing such
parties to have been duly Married; which
license, Receipt and Certificate I returned
to said Louis Merry. I cannot now be
certain but do not think I recorded the
said license, but know it was regularly
issued according to the laws of the

— over —

Choctaw Nation, and that the said Lewis Murry is now and ever since his said marriage in 1896 has been recognized as a Choctaw Citizen

Joe James

Subscribed in my presence and sworn to before me by Jos. A. James this 3rd day of August A.D. 1904.

G. A. Spaulding
U.S. Commissioner.
Muskogee, Ind. Ter.

This is to certify that Louis Marry of Lukfata I.T. and Bessie Durand of Lukfata Were by me joined to gether in the Bonds of Holy Matrimony at Lukfata I.T. on the 7th of Sept. 1896 According to the ordinances of God & the Laws of the Choctaw Nation and Nation. Ter. Signed

Rev J H Sheppard

Witness J W Costelow

Chas J. Gaffney

License No

F. P. B.
JCH

7-5754.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Louis Merry for enrollment as an intermarried citizen of the Choctaw Nation.

D E C I S I O N.

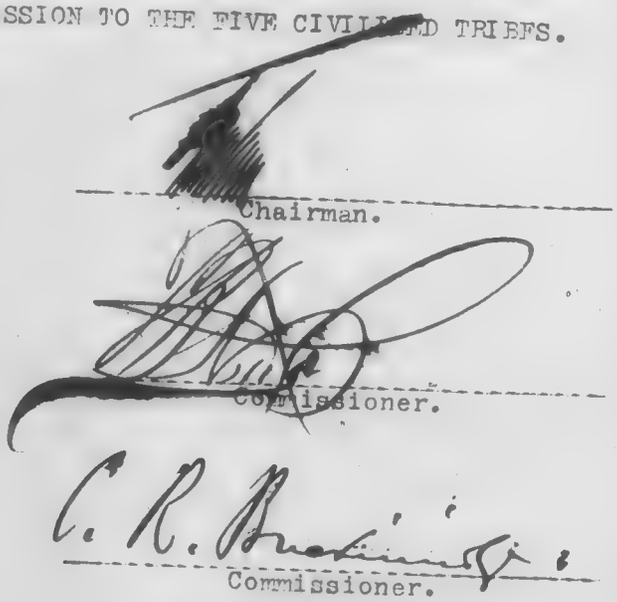
It appears from the record in this case that, on September 7, 1896, the applicant, Louis Merry, was married, in accordance with the laws, customs, and usages of the Choctaw Nation, to Bessie Merry (nee Durant), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15586 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on May 9, 1904; that at the time of said marriage both parties above mentioned were residents in good faith of the Choctaw Nation; and that the applicant herein and the said Bessie Merry lived together continuously as husband and wife, with the exception of about one month in the Summer of 1902, in the Choctaw Nation, from the date of their marriage up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission, the applicant is identified upon the 1896 Choctaw Census Roll, Eagle County, number 14822, enrolled thereon as a citizen by intermarriage of the Choctaw Nation

It is, therefore, the opinion of this Commission that Louis Merry should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the

acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

JAN 10 1905

Choctaw 5754

COPY.

Muskogee, Indian Territory, January 10, 1905.

Louis Merry,

Glover, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 10, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-5754.

Choctaw 5754

COPY.

Muskogee, Indian Territory, January 10, 1905.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 10, 1905, rendered its decision granting the application for the enrollment of Louis Merry as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED:

Tams Bixby

Chairman.

Registered.

COPY. Choctaw 5764.

Muskogee, Indian Territory, January 10, 1905.

G.A. Spaulding,

Attorney at Law,

Garvin, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on January 10, 1905, rendered its decision granting the application of Louis Merry for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

ENGNEER

Tams Bixby

Chairman.

Registered.

Choctaw 5754

COPY.

Muskogee, Indian Territory, January 10, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 10, 1905, granting the application for the enrollment of Louis Merry as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED).

Tams Bixby

Chairman.

Registered.

Incl. 7-5754.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 7, 1900.

Choctaw D 128.

Louis Merry

vs

Choctaw Nation.

No testimony offered by Choctaw Nation.

John M. Hodges, having been first duly sworn by Acting Chairman Tams Bixby, testifies on behalf of the applicant, as follows:

Q Your name is John M. Hodges? A Yes sir.
Q How old are you Mr. Hodges? A Fifty.
Q You are a citizen by blood of the Choctaw Nation? A Yes sir.
Q Born and raised in the Choctaw Nation were you? A Yes sir.
Q Were you acquainted with a Choctaw Indian by the name of Peter Durant during his life time? A Yes sir.
Q Do you know whether or not he had any children? A Well he had two little kids when I left there in 1878. When I left that part of the country.
Q Where was that? A Matoon County.
Q You don,t know what became of them? A No sir.
Q Who were they? A He had a girl and a boy.
Q Do you remember the names? A No I don't think they were named at that time.
Q Was Peter Durant a full blood? A No, he was mixed.
Q About what would you call him? A About a quarteroon I reckon, he was white.
Q And what was his wife? A She was Choctaw.
Q About how much Choctaw was she? A About the same, about a half breed I reckon.
Q Did the Indian children children show the Choctaw blood pretty well
A Yes, they showed the Choctaw blood
Q You don't know, I suppose, what became of the children? A No I left there in '77.

Examination by Judge Lewis, Choctaw Commissioner.

Q Was that woman the mother of Abner Clay? A Yes, Peter Durant was the son of Woolsey Clay, Peter's half brother.
Q Well, Abner was a half brother to Peter Durant? A Yes sir.

Witness excused.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five Civilized Tribes, she reported in full the proceedings in the above entitled cause on the 7th day of December, 190°, and that the above and foregoing is a true, accurate and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 8th day of December, 1900.

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 2 1904

OFFICE OF
PETER J. HUDSON,
AUDITOR, CHOCTAW NATION.

TUSHKAHOMMA, IND. TER., Mar. 27th 1903

Mr. J. L. Merry,
Glover. I. T.

Dear Friend:—

Enclosed two warrants described as follows,

No. 44. I. Bessie Merry - Leased Dist fund $143.16
" 45 I. Liza Durant. " " " 143.16
$286.32

Their pro-rata share of Leased District Fund of $103.00 with four per cent interest from June 10th 1893 to Mar 10th 1903—

Your friend.
Peter J. Hudson—

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 2 1904
CHAIRMAN.

Executive Office Choctaw Nation

Green McCurtain, Principal Chief

Tushkahomma, I. T., Dec. 17, 1902. 190

Mr J.S.Merry,

Glover,I.T.

Dear sir:

I submitted your letter with reference to the amount due Ben and Lizzie Durant,in the money paid in 1893,to George W.Scott, National Treasurer,and he stated that he wrote Simon Peter full instructions as to how to proceed in the matter. See Peter and get him to give you the information necessary,and send the same to George W.Scott,Treasurer,at Sans Bois,I.T.

PSL.

Yours truly,

Green. McCurtain
Principal Chief C.N.

Muscogee, Indian Territory,

August 18th, 1900.

Louis Merry,

Lukfata, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Bessie, and Ida May Merry as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-128.

Muskogee, Ind. Ter. Feb'y 2, 1901.

S. S. Wells Esq.,

Atoka, Ind. Ter.

Dear Sir:-

The Commission is in receipt of your letter of January 26th, 1901, requesting a copy of the evidence in the matter of the application for enrollment of Louis Merry, Choctaw Case No. 2-158.

Replying to your request there is enclosed you herewith a copy of the evidence on file in this office in the matter of the application for enrollment of Louis Merry. Kindly sign the enclosed receipt and return to this office.

Respectfully,

Acting Chairman.

7-2-1-8

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received, Atoka, Ind. Ter. Feb'y. 3rd 1901,
of the Commission to the Five Civilized Tribes, one copy of the
evidence in Choctaw Case No. D- 128,

Choctaw Nation

vs

Louis Merry.

J. S. Ralls
Attorney for Defendant

Choctaw D-128.

Muskogee, Indian Territory, February 26, 1902.

Louis Merry,

Lukfata, Indian Territory.

You are hereby notified that your application for the enrollment of your minor daughter, Ida May Merry, as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes at its office in Muskogee Indian Territory, on the 4th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time be afforded an opportunity to introduce testimony affecting the rights of the said Ida May Merry to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Register. Commissioner in Charge.

Choctaw # 128

Muskogee, Indian Territory, March 27, 1902.

J. L. Merry,

Glover, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, relative to the enrollment of your child Ida May Merry, as a citizen of the Choctaw Nation.

You are hereby advised that the matter of the application for the enrollment of yourself and your wife, Bessie Merry And your child, Ida May Merry, will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on April 4, 1902, on which date you may in you desire appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time be afforded an opportunity to introduce testimony affecting the rights of yourself, your wife and child to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Registers. Commissioner in Charge.

Choctaw D 128

Muskogee, Indian Territory, June 28, 1902.

J. L. Merry,

Glover, Indian Territory.

Dear Sir:

Receipt is hereby asknowledged of your letter of the 21st instant, in which you state that it was impossible for you to appear before the Commission at Muskogee on April 4, 1902, and you now desire to know the decision in your case.

You are advised that on April 4, 1902, at the office of the Commission at Muskogee, Indian Territory, the matter of the application for the enrollment of yourself and family as citizens of the Choctaw Nation was called for final consideration and the case was submitted upon the record as then made by J. G. Ralls, your attorney.

The Commission has not up to this time rendered a decision in the matter of such application but when such decision is rendered you will be advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Choctaw D 128

Muskogee, Indian Territory, July 23, 1902.

J. L. Merry,

Glover, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, replying to our communication of June 28, 1902, relative to the rights to enrollment of yourself and your wife and child as citizens of the Choctaw Nation.

In your letter you state that it is impossible for you to appear before the Commission at Muskogee, Indian Territory, to further testify in support of your application for enrollment and desire to be advised if the Commission can arrange in any manner by which you can appear in person at some other point and bring your witnesses so as to avoid the expenses necessary to a trip to Muskogee.

You are advised that it is probable that when some date is fixed or agreed upon closing the rolls of the citizens of the Choctaw and Chickasaw Nations, that the Commission will then arrange for the sending of representatives into the Choctaw and Chickasaw Nations for the purpose of obtaining additional testimony of applicants whose rights have not been determined.

We cannot, however, advise you at this time as to the

J L M S

possibility of such appointments but in the event that they are made, due public notice of the same will be given.

Yours truly,

Commissioner in Charge.

Choctaw D 128.

Muskogee, Indian Territory, October 6, 1902.

J. L. Merry,

Glover, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 29, stating that you believe you will be able to come and bring your family to the office of the Commission at Muskogee, Indian Territory, and also bring witnesses with you, some time during the month of October, in the matter of the enrollment of yourself and family as citizens of the Choctaw Nation, and you ask what kind of proof it will be necessary for you to have in your case.

In reply to your letter you are advised that the Commission has made a series of appointments in the Choctaw and Chickasaw Nations, notice of which is inclosed you herewith, and if you desire to introduce additional evidence in your case you may do so at the appointment of the Commission which is most convenient to your residence. You should bring the certified copy of your marriage license under the Choctaw law, and in the event you are unable to secure this, you should introduce as witnesses in your case the Choctaw officer who issued the license.

Respectfully,

Acting Chairman.

7-D 128

Muskogee, Indian Territory, October 24, 1903.

Lewis Merry,

Glover, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 6, in which you ask why you and your wife and child have not been enrolled.

In reply to your letter you are informed that the Commission has not yet passed upon the application for the enrollment of Louis Merry, his wife, Bessie, and his minor child, Ida May Merry, for enrollment as citizens of the Choctaw Nation. As soon as a decision is reached in this case you will be notified thereof.

You are further informed that the Commission is passing upon the applications for the enrollment of persons of the Choctaw Nation as rapidly as possible, but it is impracticable at this time to say when your case will be reached for consideration and determination.

Respectfully,

Commissioner in Charge.

7-5754

Muskogee, Indian Territory, April 2, 1904.

Lewis Merry,

Glover, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 29, 1904, which was received at this office, March 31, 1904, enclosing letters from Green McCurtain and Peter J. Hudson, relative to the payment of the 1893 leased district money to Bessie Merry and Liza Durant, and the same have been filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-5754

Muskogee, Indian Territory, August 10, 1904.

C. A. Spaulding,

Attorney at Law,

Garvin, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 5th inst., enclosing the affidavits of R. W. Thomas and Joe A. James, relative to the application made for a marriage license by Louis Merry, a white man, in September, 1896, and the same have been duly filed with the records of the Commission in the matter of the application for enrollment of said Louis Merry as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-5754

Muskogee, Indian Territory, September 30, 1904.

Lewis Merry,

Glover, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 19th instant, stating that on April 5, 1904 Hopper Watkins filed on your farm located in Section 4, Township 6 S. range 23 E., and you desire that your enrollment be approved of as soon as possible as you do not want to lose your farm.

You are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. The applications for enrollment of intermarried citizens of the Choctaw or Chickasaw Nations are being passed upon as rapidly as possible, and as soon as a decision has been reached in your case you will be duly notified of the action taken therein.

If any citizen of the Choctaw or Chickasaw Nation has made application for the land on which you alleged to be the owner of the improvements, you will be permitted to appear before the Land Office of the Commission for the Nation in which such improvements are located and initiate contest proceedings in order to protect such rights as you may have to such improvements provided your complaint in contest is filed within nine months of the date of

L. M. #2

original selection.

Respectfully,

Chairman.

7-5754

Muskogee, Oklahoma, January 18, 1908.

Mr. Louis Merry,

Glover, Oklahoma.

Sir:

There is enclosed herewith the marriage license and certificate of marriage between yourself and your wife, Bessie Merry, a copy of which has been made and retained with the records of this office.

Respectfully,

(LGG 18-1) Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the ..... Nation,

of ....., born on the ..... day of ....., 1899.

Name of father: ....., a citizen of the ..... Nation.

Name of mother: ....., a citizen of the ..... Nation.

Post Office: .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Bessie Murry, on oath, state that I am 19 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of Lewis Murry who is a citizen, by Marriage, of the Choctaw Nation; that a child was born to me on the 12th day of June, 1898; that said child has been named Ida Mae Murry, and is now living.

Bessie Murry

Subscribed and sworn to before me this 27th day of April, 1899.

Wm. J. Gaffney

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Eliza Jones, a Midwife, on oath, state that I attended on Mrs. Bessie Murry, wife of Lewis Murry on the 12 day of June, 1898; that there was born to her on said date a Girl child; that said child is now living and is said to have been named Ida Mae Murry.

Eliza Jones

Subscribed and sworn to before me this 27th day of April, 1899.

Wm. J. Gaffney

Notary Public.

Choc 5755 Sarah C. Hewlett

Record in Choc #D27

5755

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR.

In the matter of the application for the enrollment of Sarah C. Hewlett as a citizen by blood of the Choctaw Nation, Choctaw Field No. D-27.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaw s and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation; which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Maynard McMurray & Gruesh
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Through the-
Commission to the Five Civilized Tribes.

(Copy)

Indian Territory

Central Judicial District

Before me A.E. West a notary Public in and for said Territory and District personally appeared J. R. Plummer known to me to be a creditable witness and of lawful age and a resident of Atoka County Choctaw Nation Indian Territory who being duly sworn on oath says

My name is J. R. Plummer I am 65 years of age I am a citizen of the Choctaw Nation or tribe of Indians by blood and reside near Lehigh in said Choctaw Nation, I am personally acquainted with Mrs Sallie Cunningham Hewlett wife of J. W. Hewlett who reside at Pauls Valley in the Chickasaw Nation I knew her when she was a girl as Sallie Lane I knew her after her first Marriage as Sallie Cunningham and know her since her second marriage as Sallie Cunningham Hewlett I knew her mother Mrs Letha H. Pendleton She was a Cousin of mine I was present and in attendance at the Council of the Choctaw Nation at its October term 1885 when my said Cousin Letha H. Pendleton and her children and grand children were admitted and recognized by said Council to citizenship of the Choctaw Nation as Choctaws by blood and I know that Sallie Cunningham Hewlett wife of J. W. Hewlett who resides at Pauls Valley Chickasaw Nation is a daughter of Cousin Letha H. Pendleton and is the person named in said act of the Choctaw Council of 1885 as Sallie Cunningham.

(Signed) Joseph R. Plummer

(SEAL)

Subscribed and sworn to before me this the 23rd day of Sept, 1898

(Signed) A. E. West

Notary Public

Cen. Dist. Ind. Ter.

(Copy)

Indian Territory Central Judicial District.

Before me Don J. Folsom a notary pubic in and for said territory and district personally appeared J. L. C. Pate known to me to be a creditable witness and of lawful age and a resident of Atoka Choctaw Nation I T. Who bein duly sworn on oath says. My name is J. L. C. Pate I am now 57 years of age and reside in the town of Atoka Choctaw Nation I T. I am personally acquainted with Mrs Sallie Cunningham Hewlett wife of J. W. Hewlett who resides at Pauls Valley Chickasaw Nation I T. and know her to be the identical person named as Sallie Cunningham in the Act of the Choctaw Council of Oct 21. 1885 as one of the daughters of Mrs Letha H. Pendleton. I married a sister of Mrs Sallie Cunningham who was a daughter of said Mrs Letha H. Pendleton. I know also that Mrs Sallie Cunningham as named in said bill, or act of said Council, is the wife of J. W. Hewlett of Pauls Valley I T. and that they resided at Atoka Choctaw Nation I T. for about a year during the years of 1891 & 1892 and that they afterwards moved to Pauls Valley where they now reside.

(Signed) J. L. C. Pate.

(SEAL)

Subscribed and sworn to before me this 21, Sept 1898

(Signed) Don J. Folsom

Notary Public.

(COPY)

Indian Territory Central Judicial Distict

Before me Don J. Folsom a Notary Public for said Territory and District. Personally appeared Mrs Olivia W. Folsom, known to me to be a creditable witness and of lawful age and a resident of Atoka Choctaw Nation I T. who being duly sworn on oath says. My name is Olivia W. Folsom I am 38 years of age, and reside in the town of Atoka Choctaw Nation I. T. I am personally acquainted with Mrs Sallie Cunningham Hewlett wife of J. W. Hewlett who reside at Pauls Valley Chickasaw Nation I. T. My first personal acquaintance with her was in the year 1875. She was then visiting my mother who was her sister, both being daughers of Mrs Letha H. Pendleton. I know her then as Aunt Sallie Cunningham. I next met her during the year 1888 at Atoka I. T. She was then the wife of J. W. Hewlett.

(Signed) Olivia W. Folsom

Subscribed and sworn to before me this 22 day of Sept 1898

(Signed) Don J. Folsom

(Seal)

Notary Public.

(COPY)

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Sarah C. Hewlett as a Choctaw; being sworn and examined by Com'r McKennon she testifies:

Q What is your name? A Sarah C. Hewlett.

Q How old are you? A Fifty.

Q You were admitted by an Act of the Choctaw Council were you?

A Yes sir, in 1884.

Q By what name were you admitted then? A It was put down Sarah C. Cunningham.

Q Your name then in fact was Sarah C. Hewlett? A Yes sir.

Q You are the identical person admitted by the Act of Council under the name of Sarah C. Cunningham? A Yes sir.

Department of the Interior, Commission to the Five Civilized Tribes. I hereby certify upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) . D. Green.

Muscogee, Indian Territory,

August 18th, 1900.

J. W. Hewlett,

Pauls Valley, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McCammon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Sarah C. Hewlett as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and the hearing will be final.

Yours truly,

Acting Chairman.

7-D-27.

Muskogee, Indian Territory, September 18, 1900.

J. W. Hewlett,

Pauls Valley, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The Commission, upon examination of its records, found that you were rejected in 1898; under the act of Congress of June 10th, 1896; your case being No. 431. No appeal being taken from the decision of the Commission, its action at that time became final.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

7-D-27

Acting Chairman

Muskogee, Indian Territory, October 1, 1900.

J. W Newlett,

McGee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 23rd ultimo, in the matter of the protest filed by the representatives of the Choctaw Nation as to your enrollment and the enrollment of your wife as citizens of the Choctaw Nation.

As stated in your letter, the records of the Commission show that you and your wife were first listed for enrollment as citizens of the Choctaw Nation, September 16th, 1898, you as an intermarried citizen of the Choctaw Nation and your wife Sarah C., as a citizen by blood and that on September 2nd, 1899, your wife appeared before the Commission at its appointment in Atoka, Indian Territory and gave additional testimony in the matter of her application, claiming that she was admitted by an act of the Choctaw Council in the year 1884.

It appears however, that under the act of Congress of June 10th, 1896, you made application to this Commission for citizenship in the Choctaw Nation, claiming to be an intermarried citizen by virtue of your marriage to Sallie C. Cunningham. The Commission after considering your application at that time and the answer of the Choctaw Nation filed thereto, on December 2nd, 1896, denied your application. There is no record of any appeal being taken from such action of the Commission and its judgment would therefore at that time be final.

J. M. K. 2--

The Commission is in possession of a sufficient statement of facts in the matter of the application of yourself and your wife, upon which a decision may be rendered and it will not be necessary for either of you to appear at the appointment at Atoka beginning December 3rd, 1900. The Commission will accept and consider any written arguments or questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901 and on your behalf at any time prior to March 1st 1901.

As soon thereafter as practicable the Commission will consider and finally determine the rights to enrollment of yourself and your wife and the decision of the Commission, stating fully its reasons for any action that may be taken will be mailed to you.

Yours truly,

Acting Chairman.

7-D 27

Muskogee, Indian Territory, October 20, 1900.

R. F. Wilson,

[illegible] Creek, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 16th instant in which you desire to be informed if the names of W. J. Hulit and James Holly appear upon the rolls of the Choctaw or Chickasaw Nation.

You are informed that the records of this Commission show that James Holly, 35 years of age, together with his wife, Francis E. Holly, 23 years of age, were listed by this Commission as doubtful claimants to enrollment on May 16th, 1899, James Holly claiming as an intermarried citizen and Francis E. Holly as a citizen by blood of the Choctaw nation and her name appears upon the 1896 census roll of that Nation as Francis Brown, a resident of Towson County. Francis E. Holly claims that she is a white woman, who was given to McKinney Baptists by her white mother when a child and placed in the Wheelock Orphan asylum. She states that she has no information as to who her parents were.

The Commission is in possession of the testimony of Wilson Fisher as to her citizenship in the Choctaw Nation and also the testimony of her husband, James Holly, and the license issued by J. H. Williams, Circuit Clerk of Towson County, Choctaw Nation January 7th, 1897, said license being issued to James Holly, a citizen of the United States and Francis Brown a citizen of the Choctaw Nation.

You are further informed that the Choctaw nation through

its representatives, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a protest to the enrollment of these parties as citizens of the Choctaw Nation. The applicants were notified of the filing of such protest and also that the Commission would be at Atoka, Indian Territory, beginning December 3rd, 1900, to hear additional testimony in such cases.

As to W. J. Hulit of whom you inquire, the records of this Commission show that J. W. Howlett, 46 years of age, together with his wife, Sarah C. Howlett, 49 years of age, whose residence is given as Paula Valley , Indian Territory, were listed by this Commission as doubtful claimants to enrollment in the Choctaw Nation on September 6th, 1898.

It develops however, by an examination of the records of this Commission that J. W. Howlett made application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896, and that this Commission after carefully considering his application and the evidence submitted in support thereof, refused his application for citizenship at that time. No appeal having been taken from the decision of the Commission in the time prescribed by law, the action of the Commission refusing his application became final.

Protest has been entered by the Choctaw Nation as to the enrollment of his wife and she has also been notified of the session of the Commission at Atoka for the hearing of additional testimony which may be offered in support of her application.

Yours truly,

7-D-162
7- D-[illegible]

Acting Chairman.

Muskogee, Indian Territory, November 22, 1900.

E. W. Newlett,

Medee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 12th instant relative to the protest filed by the representatives of the Choctaw Nation as to your enrollment and the enrollment of your wife as citizens of that Nation.

You desire in your letter to be informed if it will be necessary for you to employ an attorney to present a written argument to the Commission in the matter of your wife's case.

The Commission cannot inform you as to the necessity of your employment of counsel to represent you or your wife in the matter of this objection made to your enrollment. This is a matter which you will have to determine for yourself.

As to the records of the Commission being in error as to your wife's admission as a citizen of the Choctaw Nation by the Choctaw Council, is a question that the Commission cannot pass on at this time.

At the session of the Commission at Atoka next month you will be allowed to present any additional testimony that you desire in support of your application and the application of your wife. The decisions of the Commission in cases heard under the act of June 10th, 1896 and from which no appeal has been taken, will be final. The Commission's letter of October 1st, is enclosed you herewith.

Yours truly,

Enc e. 9-D-27 Acting Chairman.

Muskogee, Indian Territory, March 7, 1901.

Mrs. Sallie C. Hewlett,

Maxwell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th of February relative to the protest filed by the Choctaw Nation against the enrollment of yourself and your husband as citizens of the Choctaw Nation.

Yours truly,

Acting Chairman.

You state in your letter that when you appeared before the Commission at Pauls Valley, Indian Territory, in your name was placed on a white card for the reason that you did not at that time have the act of Choctaw Council admitting you to citizenship as a Choctaw by blood but was informed that when such copy of the act was furnished that your enrollment would be unquestioned.

You further state in your letter that you have since that time furnished the Commission with a copy of the act of the Choctaw Council admitting you to citizenship but we are unable to find any such document as filed with the record in the matter of your application for enrollment as a citizen of the Choctaw Nation.

Your letter will be filed with the other records in this case and will receive the consideration of the Commission in the disposition of the claim for enrollment as citizens of the Choctaw Nation of yourself and your husband.

Yours truly,

7-D-27

Acting Chairman.

Muskogee, Indian Territory, June 4, 1901.

J. W. Howlett,

Maxwell, Indian Territory.

Dear Sir:

Replying to your letter of the 1st of April relative to the application for the enrollment of yourself as a citizen by intermarriage and your wife, Sarah C. Howlett as a citizen by blood of the Choctaw Nation and in which you desire to be informed if the copy of the act of the Choctaw Council admitting your wife to citizenship in the Choctaw Nation is on file with the records of this office, you are informed that the act of the General Council of the Choctaw Nation approved October 21, 1885, admitting to citizenship in said Nation Mrs. L. H. Pendleton et. al, including Sallie Cunningham is on file with the records of this Commission with the original petition filed by you under the act of Congress of June 10, 1896, for admission as a citizen by intermarriage of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-D-27

Choctaw D 27

Muskogee, Indian Territory, January 21, 1903.

George W. Wells,

Maxwell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 29, 1902, asking if you will be safe in renting land from Mrs. Sallie C. Hewlett, who claims to be a citizen of the Choctaw Nation, for the year 1903.

In reply to your letter you are advised that it appears from our records that Sarah C. Hewlett, wife of J. W. Hewlett, has been listed among the doubtful claimants to enrollment in the Choctaw Nation, and that her final right to such enrollment has not yet been determined.

It may be added that lands upon which doubtful or disputed claimants to enrollment in the Choctaw and Chickasaw Nations have improvements, not in excess of lawful allotments, will not be allotted to any citizen until the rights of the said doubtful claimants are finally determined.

You are advised that the Commission can give you no advice relative to the renting of lands in the Choctaw and Chickasaw Nations

Respectfully,

Muskogee, Indian Territory, July 19, 1901.

Sallie C. Newlett,

c/o John N. Cunningham,

McGee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you desire information relative to your enrollment as a citizen of the Choctaw Nation.

You are informed that it appears from our records that on September 16, 1898, your husband, J. W. Newlett, made application for the enrollment of himself and his wife, Sarah C. Newlett, as citizens of the Choctaw Nation; J. W. Newlett as a citizen by intermarriage, and Sarah C. Newlett as a citizen by blood of the Choctaw Nation.

It further appears that Sarah C. Newlett, for whom application was made, was admitted to citizenship in the Choctaw Nation by the act of the General Council of the Choctaw Nation, October 21, 1885, having been admitted under the name of Sallie Cunningham.

It further appears from our records that your husband, J. W. Newlett, made application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896, and was denied such citizenship for the reason that he was married to

Sallie P. Cunningham in the state of Texas on August 29, 1865, prior to her admission to citizenship in the Choctaw Nation.

We can render you no opinion at this time as to your final rights to allotment of lands in the Choctaw Nation, but the action of the Commission under the act of Congress of June 10, 1896, as to the rights to citizenship of your husband is final.

As to your son who has recently returned to the Territory, and as to his making application for enrollment, you are informed that he will be heard upon his personal appearance at the office of the Commission at Muskogee, Indian Territory.

It is suggested, however, that in view of the possibility of the early closing of the rolls of citizenship of the Choctaw and Chickasaw Nations, such applications be made as early as practicable in the near future.

Yours truly,

Acting Chairman.

7-D 87

7-D-27.

Muskogee, Indian Territory, September 19,1903.

Sallie C. Newlett,

Maxwell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th inst., requesting to be informed when you may appear at the land office at Tishomingo for the purpose of filing on your lands.

In reply you are advised it appears from our records that you are listed as a doubtful claimant to enrollment as a citizen by blood of the Choctaw Nation, but no decision has yet been rendered by the Commission relative to your final right to enrollment as such. As soon as a decision in your case is reached, you will be informed of the action taken therein by the Commission.

You are further advised that under the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, only citizens, whose enrollment as such by this Commission has been approved by the Secretary of the

Interior, are entitled to select allotments of land in the Choctaw or Chickasaw Nations.

Respectfully,

Chairman.

Choctaw D 27

Muskogee, Indian Territory, March 14, 1904.

J. W. Howlett,

Maxwell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 5, asking the ground of the protest of the attorneys for the Choctaw and Chickasaw Nations in the case of your wife, Sallie C. Howlett.

In reply to your letter you are advised that the protest of the attorneys for the Choctaw and Chickasaw Nations, of January 23, 1904, filed with the Commission February 6, 1904, requests that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong versus the Choctaw and Chickasaw Nations, Number 59 on the Tishomingo Docket, in which said court will decide the question of what compliance by the applicants or their ancestors with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and participation in the distribution of tribal property of the Choctaws, and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved, they allege, in the case of Sarah C. Howlett.

J W H 2

You are further advised that it appears from our records that your wife, Sarah C: Hewlett, was admitted to citizenship in the Choctaw Nation by an act of the Choctaw National Council approved October 21, 1895, and under directions of the Secretary of the Interior of February 24, 1904, the Commission will as early as practicable, proceed with the disposition of the application of Sarah C. Hewlett for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Choctaw D 27

Muskogee, Indian Territory, March 14, 1904.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

On February 6, 1904, you filed with this Commission a request, dated January 23, 1904, to the effect that final decision in the matter of the enrollment of Sarah C. Hewlett as a citizen by blood of the Choctaw Nation be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong versus the Choctaw and Chickasaw Nations, Number 59 on the Tishomingo Docket of said court.

You are now advised that since the filing of your protest it has developed that Sarah C. Hewlett, under the name of Sallie Cunningham, was admitted to citizenship in the Choctaw Nation by an act of the General Council of the Choctaw Nation approved October 21, 1895, admitting L. H. Pendleton and others as citizens of the Choctaw Nation.

On February 24, 1904, the Secretary of the Interior, ad-
Departmental instructions of November 18, 1903, directed
on to proceed at once with the adjudication of the cases
itted to citizenship in the Choctaw and Chickasaw Na-

tions by acts of the Choctaw National Council and decisions of the United States Indian Agent on appeal from unfavorable action of said Council.

This matter is called to your attention for such action in the premises as you may deem necessary as the Commission will, as early as practicable, proceed with the application of Sarah C. Hewlett to be enrolled as a citizen of the Choctaw Nation, in accordance with the instructions of the Secretary of February 24, 1904.

Respectfully,

Commissioner in Charge.

7-D-27

(COPY)

Law offices of
MANSFIELD, McMURRAY & CORNISH.....

South McAlester, Indian Territory, March 24, 1904

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

We have the letter of the Commission dated March 14, 1904 with reference to our request that action be postponed in the case of Sarah C. Hewlett as a citizen by blood of the Choctaw Nation until the case of Mattie Lee Armstrong vs. Choctaw and Chickasaw Nations is decided by the Citizenship Court.

Replying thereto we have to advise the Commission that if the facts are as stated in their said letter of March 14, 1904, and that if this persons does not come within the purview of the letter of the Secretary of the Interior of November 18, 1903, we see no reason why the Commission should not proceed to take action in this case without reference to our protest of January 23, 1904.

Very truly,

(SIGNED) Mansfield, McMurray & Cornish.

Choctaw 5755.

Muskogee, Indian Territory, May 21, 1904.

J. V. Newlett,

Maxwell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 18, in which you ask if the name of your wife, Sallie C. Newlett, has been approved by the Secretary of the Interior.

In reply to your letter, you are informed that the name of Sarah C. Newlett has not yet been placed upon the schedules of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior, but it is probable that the same will be placed upon the next schedule of citizens by blood of the Choctaw Nation which is prepared and forwarded to the Department for approval.

Respectfully,

Commissioner in Charge.

Choctaw 2-27.

Muskogee, Indian Territory, August 15, 1904.

J. W. Hewlett,

Maxwell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 9, asking if your wife, S. C. Hewlett, has been approved by the Secretary of the Interior and in reply you are advised that the name of Sarah C. Hewlett is being placed upon a schedule of citizens by blood of the Choctaw Nation now being prepared for forwarding to the Secretary of the Interior.

You are further advised that before your application for enrollment as an intermarried citizen of the Choctaw Nation can receive consideration it will be necessary for you to appear for the purpose of testifying relative to your intermarried status on September 25, 1902. Such personal appearance may be made at the general office, Muskogee, Indian Territory, prior to that time, or at the Choctaw Land Office, Atoka, Indian Territory, September 6 and 7, 1904 or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8 and 9, 1904. This matter should receive prompt attention.

Respectfully,

Commissioner in Charge.

7- 5755

Muskogee, Indian Territory, September 14, 1904.

Sallie C. Hewlett,

McGee, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of August 31, 1904, requesting information relative to your enrollment, and state that you have changed your Post Office address to McGee, Indian Territory.

You are informed that Sallie C. Hewlett has been duly enrolled by the Commission as a citizen by blood of the Choctaw Nation, but her enrollment as such, has not yet been approved by the Secretary of the Interior.

Respectfully,

JD

Chairman.

7-5755.

Muskogee, Indian Territory, October 31, 1904.

Mrs. G. C. Hewlett,

Maxwell, Indian Territory.

Dear Madam:-

Receipt is hereby acknowleiged of your letter of October 25, 1904, in which you ask if your enrollment as a citizen by blood of the Choctaw Nation has been approved by the Secretary of the Interior.

In reply to your letter you are informed that Sarah C. Hewlett now about fifty-five years of age, daughter of Cornelius and Letha H. Lane has been enrolled by the Commission as a citizen by blood of the Choctaw Nation and approved by the Secretary of the Interior.

Respectfully,

END
OF
ROLL

